

Pages	Journal	Pages	Journal	Pages	Journal
1-56	Day 1 - 1/08/03	57-63	Day 2 - 1/09/03	64-72	Day 3 - 1/13/03
73-80	Day 4 - 1/14/03	81-94	Day 5 - 1/15/03	95-100	Day 6 - 1/16/03
101-109	Day 7 - 1/21/03	110-121	Day 8 - 1/22/03	122-133	Day 9 - 1/23/03
134-141	Day 10 - 1/27/03	142-146	Day 11 - 1/28/03	147-152	Day 12 - 1/29/03
153-160	Day 13 - 1/30/03	161-166	Day 14 - 2/03/03	167-173	Day 15 - 2/04/03
174-178	Day 16 - 2/05/03	179-198	Day 17 - 2/06/03	199-209	Day 18 - 2/10/03
210-215	Day 19 - 2/11/03	216-220	Day 20 - 2/12/03	221-230	Day 21 - 2/13/03
231-249	Day 22 - 2/17/03	250-260	Day 23 - 2/18/03	261-276	Day 24 - 2/19/03
277-285	Day 25 - 2/20/03	286-301	Day 26 - 2/24/03	302-314	Day 27 - 2/25/03
315-334	Day 28 - 2/26/03	335-350	Day 29 - 2/27/03	351-365	Day 30 - 3/03/03
366-389	Day 31 - 3/04/03	390-401	Day 32 - 3/05/03	402-413	Day 33 - 3/06/03
414-430	Day 34 - 3/10/03	431-462	Day 35 - 3/11/03	463-494	Day 36 - 3/12/03
495-514	Day 37 - 3/13/03	515-526	Day 38 - 3/14/03	527-541	Day 39 - 3/17/03
542-556	Day 40 - 3/18/03	557-574	Day 41 - 3/19/03	575-593	Day 42 - 3/20/03
594-598	Day 43 - 3/24/03	599-615	Day 44 - 3/31/03	616-643	Day 45 - 4/01/03
644-661	Day 46 - 4/02/03	662-677	Day 47 - 4/03/03	678-694	Day 48 - 4/07/03
695-718	Day 49 - 4/08/03	719-750	Day 50 - 4/09/03	751-762	Day 51 - 4/10/03
763-784	Day 52 - 4/14/03	785-852	Day 53 - 4/15/03	853-867	Day 54 - 4/16/03
868-886	Day 55 - 4/17/03	887-893	Day 56 - 4/21/03	894-919	Day 57 - 4/22/03
920-951	Day 58 - 4/23/03	952-977	Day 59 - 4/24/03	978-989	Day 60 - 4/25/03
990-1028	Day 61 - 4/28/03	1029-1068	Day 62 - 4/29/03	1069-1128	Day 63 - 4/30/03
1129-1202	Day 64 - 5/01/03	1203-1218	Day 65 - 5/02/03	1219-1253	Day 66 - 5/05/03
1254-1281	Day 67 - 5/06/03	1282-1306	Day 68 - 5/07/03	1307-1344	Day 69 - 5/08/03
1345-1371	Day 70 - 5/09/03	1372-1416	Day 71 - 5/12/03	1417-1467	Day 72 - 5/13/03
1468-1596	Day 73 - 5/14/03	1597-1679	Day 74 - 5/15/03	1680-1706	Day 75 - 5/16/03
1707-1711	Day 76 - 5/21/03	1712-1713	Day 77 - 5/28/03		

First Special Session:

1 - 5	Day 1 - 6/02/03	6 - 7	Day 2 - 6/03/03	8 - 9	Day 3 - 6/04/03
10	Day 4 - 6/05/03	11-12	Day 5 - 6/06/03	13	Day 6 - 6/09/03
14	Day 7 - 6/10/03	15-16	Day 8 - 6/11/03	17-27	Day 9 - 6/12/03
28-30	Day 10 - 6/16/03	31-39	Day 11 - 6/17/03	40	Day 12 - 6/18/03
41-43	Day 13 - 6/24/03	44-45	Day 14 - 6/25/03	46-47	Day 15 - 6/26/03
48-51	Day 16 - 6/27/03	52-53	Day 17 - 7/01/03		

Second Special Session:

1-24	Day 1 - 9/08/03	25-26	Day 2 - 9/09/03	27-30	Day 3 - 9/10/03
31-36	Day 4 - 9/11/03	37-38	Day 5 - 9/12/03		

Veto Session:

1 - 10	Day 1 - 9/10/03	11 - 15	Day 2 - 9/11/03	16	Day 3 - 9/12/03
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JOURNAL OF THE SENATE
NINETY-SECOND GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION

FIRST DAY--WEDNESDAY, JANUARY 8, 2003

The Senate was called to order at 12:00 noon by Lieutenant Governor Joe Maxwell.

Reverend Carl Gauck offered the following prayer:

"He has showed you, O man, what is good, and what does the Lord require of you but to do justice, and to love kindness and to walk humbly with your God." (Micah 6:8)

Gracious God, we come to this hallowed chamber, some new, many experienced, to face one of the most challenging fiscal years this Senate has faced. We ask Your blessing on each here to be all that You require of us. So we pray for Your guidance in all the decisions we must make. As we do so, make us ever mindful how to pass equitable laws that provide justice and seek to show kindness among each other and the most needy in our state. And help us to seek You daily in prayer and meditation and walk humbly with You through these halls. All this we ask in Your Holy Name. Amen.

The Cleveland Junior Naval Academy Color Guard, St. Louis, presented the Colors.

The Pledge of Allegiance to the Flag was recited.

The National Anthem was performed by a trio from the Cleveland Junior Naval Academy.

The President of the Senate stated that the Rules of the Senate would be the Missouri Senate Rules of the 2nd Regular Session of the Ninety-first General Assembly until temporary or permanent rules are adopted.

Senator Gibbons announced that photographers from KOLR-TV, the Jefferson City News Tribune, KMIZ-TV, KOMU-TV, the Springfield News Leader, the Senate and guests had been given permission to take flash pictures and to video in the Senate Chamber and gallery today.

Senator Gibbons submitted the following appointments of officers for the temporary organization, which were read:

President Pro Tem Peter Kinder

Secretary of Senate Terry L. Spieler

Sergeant-at-Arms Glenn Pound

Doorkeeper Ken Holman

Senator Gibbons requested unanimous consent of the Senate that the above named officers be elected as temporary officers until permanent officers are elected, which request was granted.

MESSAGES FROM THE

SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

To the Honorable Senate of the 92nd General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri 2002, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 92nd General Assembly (First Regular Session) of the State of Missouri, elected at the November 5, 2002 General Election; also a list of the names of the Senators elected at the General Election held November 7, 2000 and Special Elections held in 2001 and 2002.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 8th day of January, 2003.

(SEAL) /s/ **MATT BLUNT**

SECRETARY OF STATE

MISSOURI STATE SENATORS

ELECTED November 5, 2002

District Name

2nd Jon Dolan

4th Patrick Dougherty

6th Carl Vogel

8th Matt Bartle

10th Charles Wheeler

12th David G. Klindt

14th Rita Days

16th Sarah Steelman

18th John W. Cauthorn

20th Dan Clemens

22nd Steve Stoll

24th Joan Bray

26th John Griesheimer

28th Delbert Scott

30th Norma Champion

32nd Gary Nodler

34th Charlie Shields

MISSOURI STATE SENATORS

ELECTED NOVEMBER 7, 2000

District Name

- 1st Anita T. Yeckel
- 3rd Harry Kennedy*
- 5th Maida Coleman**
- 7th John Loudon
- 9th Mary Groves Bland
- 11th Ronnie DePasco
- 13th Wayne Goode
- 15th Michael R. Gibbons
- 17th Edward E. Quick
- 19th Ken Jacob
- 21st James L. (Jim) Mathewson
- 23rd Chuck Gross
- 25th Bill Foster
- 27th Peter Kinder
- 29th Doyle Childers
- 31st Harold L. Caskey
- 33rd John T. Russell

*Elected at Special Election held December 11, 2001 to fill vacancy created by resignation of John Scott.

**Elected at Special Election held February 5, 2002 to fill vacancy created by the death of Paula Carter.

The newly elected Senators advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Stephen N. Limbaugh, Jr., Chief Justice of the Missouri Supreme Court.

On roll call the following Senators were present:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy

Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	Absent with leave--Senators--None		
	The Lieutenant Governor was present.		

The President declared the First Regular Session of the 92nd General Assembly convened.

RESOLUTIONS

Senator Gibbons offered the following resolution, which was read:

SENATE RESOLUTION NO. 1

BE IT RESOLVED, by the Senate of the Ninety-second General Assembly of the State of Missouri, First Regular Session, that the rules adopted by the Ninety-first General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the Ninety-second General Assembly, First Regular Session, until permanent rules are adopted.

Senator Gibbons moved that the above resolution be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	DePasco	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

Senator Gibbons moved that the Senate proceed to perfect its organization, which motion prevailed.

Senator Gibbons nominated Senator Peter Kinder for President Pro Tem. Senator Kinder's nomination was seconded by Senator Griesheimer.

No further nominations being made, Senator Kinder was elected President Pro Tem by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	DePasco	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

Senator Kinder was escorted to the dais by Senator Yeckel.

Senator Kinder subscribed to the oath of office of President Pro Tem, administered by the Honorable Judge Byron Kinder.

President Pro Tem Kinder assumed the dais and addressed the members of the Senate.

Good afternoon and welcome back as we begin our challenging task of transacting the public's business in another tough budget year. I am delighted to see each of you, as I know you are delighted to be here.

Today, we have sworn in 17 members of this August body. We bid each of you a warm welcome. To our returning colleagues, we are again delighted to welcome you back as part of our Senate family. And to our twelve new members, we are most pleased to welcome you to the Missouri Senate. Service in this body is an honor and a privilege accorded to only a few.

Look around this magnificent chamber. On the occasion corresponding to this day a year ago, I focused our attention on our magnificent renovation, then newly completed, the results of which are so beautiful to behold. I asked us all to reflect on the wisdom of Sir Winston Churchill, who said:

"First we shape our buildings. Then they shape us."

Surely we must count ourselves fortunate to be allowed to work in a room that has taken its place among the most magnificent legislative chambers in the world.

But look around at another feature of this chamber. You will see that there is no line of demarcation between the members of the two great political parties. We don't have seating by parties in the Missouri Senate, and as far as I know, never have had. This is as it should be, for as we are fond of repeating, each one of us is a senator and, now that you're here, you are an irreplaceable part of our Senate family.

Together, we face daunting challenges. However, as a state we have faced difficult times before. One hundred and forty years ago, our nation was sundered by a great Civil War. A war that divided Missouri as much as any state. A war that I might add, has defined our politics in the nearly 14 decades since, given the fact that, as one historian said, "You vote where and as your great-grand-daddy fought."

Only through the perseverance and resolve of our first Republican president, Abraham Lincoln, did we endure as a nation. Facing the greatest of obstacles, we won the war that re-defined the American experiment and unified the nation paving the way for the great union of 50 states to which it has evolved this day.

As others have before us, today, in this spirit of unity, we can and we must come together to meet the challenges that face us.

Last year, I spent a great deal of time traveling the state, making calls on various individuals. I want to tell you about one visit in the City of Springfield, at a company called Positronic Industries, a high-tech manufacturer of electronic components for various industries, including telecommunications.

The CEO made an enormous impression on this senator, and I want to tell you why.

Jack Gentry is the founder of this fine company, which employs 400 people in our state in manufacturing, and 720 people worldwide.

Mr. Gentry told me that he and his colleagues formed an organization called the Southwest Area Manufacturers Association that must remain ever vigilant, he said, and I quote:

"... in order to protect ourselves from what the politicians are trying to do to us."

I found bracing the blunt-spokenness of this entrepreneurial hero, who got his start as a fighter pilot in the South Pacific during World War II. Could it be that in Jack Gentry's refreshing candor, I had stumbled across a clue to why Missouri finds itself in such an economic mess today?

ITEM: A recent national report tells us that Missouri is one of only nine or so states that remains mired in recession, as the national economy expands at a growth-rate of about 3 percent.

ITEM: From Gov. Holden's own administration, we had the report last August that Missouri led the nation in the loss of manufacturing jobs, with 55,000 jobs lost in the previous year.

In November, another report by the same department of economic development updated us with a new figure: We have lost 77,000 jobs.

It is no honor for Missouri to lead the nation in the loss of manufacturing jobs. In this lamentable category, we are Number One.

ITEM: Last year brought us the terrible news, via the Ford Motor Company, that their plant in Bridgeton, home these last 55 years to 2,600 high-paying UAW jobs, will be closed in just a few years.

St. Louis, long second only to Detroit in auto manufacturing, is slipping.

ITEM: Last month brought to my office representatives of Ford, saying the continued survival of their huge Claycomo plant near Kansas City is endangered by certain local taxing practices - policies over which you and I have no small amount of influence.

ITEM: Perhaps you have letters on your desk, as do I, from a trucking executive or other business leader, who relates that the continued survival of the company is threatened by workers compensation costs spiraling out of control. Or perhaps you have heard, as have I, from physicians who are stunned at the exploding costs of medical malpractice insurance that are doubling, or quadrupling, almost overnight, even with no change in claims history. Or perhaps you have heard from a nursing-home operator or other small business owner, who says spiraling insurance costs are deadly threats to his or her continuance as an employer in our state.

To revisit just one of these examples, if you inquire into the matter, you will learn that in the case of the Bridgeton Ford plant, it costs between \$150 and \$300 more per Explorer - with one emerging from the assembly line every minute -- to manufacture in St. Louis than it does in Louisville, Ky. Their Kentucky plant is staying open.

Facts, as that great Missourian Harry Truman said, are stubborn things. These are facts. We ignore them at our peril. I ask that we pull together to tackle these issues so that when we leave here on the 16th of May, of us it can be said that we took action to better Missouri's economic climate - to take down the sign that has been posted saying, "Missouri is unfriendly to business" and replace it with one that says "we welcome jobs and opportunity and we are very much open for business".

As you well know, we confront a budget situation more grim than any Missourian has seen in the last 50 years. I believe, and hope that you agree, that this shortfall is directly related to the startling economic facts I have just cited.

We must acknowledge those facts are also a result of a state government that went on a spending spree during the last decade, as revenues grew smartly. Now the crunch time has arrived and the bill has come due. And the bill has come due in the same few months that we have seen the voters twice reject proposals put to them, once in August and again in November, to increase taxes.

I pledge to work together with one and all to meet this difficult challenge, to meet our obligation to deliver a budget in balance and on time.

In doing so, we as lawmakers must always remember three requirements of truly representative government:

Sound policy must come before politics;

Reality must come before rhetoric;

And taxpayers must always come before taxes."

The governors' proposal to use \$350 million from an untested method of selling tobacco bonds in order to balance this year's budget raises a host of questions that must be answered. Last session we approved \$50 million in bond appropriations. This fiscal year, the governor wants to use \$350 million in tobacco bond expenditures.

While it is still possible that the governor and the Legislature could reach an agreement on the issue of tobacco bonds, the governor's handling of the matter, to this point, has frankly made it less likely.

A recent New York Times article told of other states that have gone his route, only to see their states' credit ratings suffer a downgrade. An awareness of this risk must accompany all our deliberations on this issue.

Moreover, the governor needs to be absolutely forthcoming with the public and with us about the added risk associated with his new, "hybrid" approach to selling tobacco bonds. Under the governor's new plan, all the risk associated with the sale of the bonds will be placed directly on Missouri taxpayers, rather than transferring that risk to the bondholders as originally proposed.

Further, don't forget that because of a pending lawsuit between the City of St. Louis and the tobacco companies, there is a strong chance that as early as next year, Missouri's share of the tobacco settlement that is supposed to be paying off this new debt, in the hundreds of millions, simply might not be there.

As you can see, plenty of answers will be needed before we agree to head down this road.

The governor has informed us that we face a \$300 million shortfall in the current fiscal year, and as much as \$1 billion in the 2004 fiscal year. With this news in mind, last week he announced \$67 million in cuts and withholdings, and re-shuffled about 700 jobs in state government. To this mix he proposes to close \$100 million in what he calls "corporate tax loopholes."

It is with great interest that I await his 2004 budget proposal, to be delivered in his address to us one week from today.

Let us also remember that last year, this Legislature did yeoman's work in meeting the governor's budget requests, based on projections consented to by that administration. Now, halfway through that budget, the governor faces tough choices that have already faced the Missouri General Assembly.

On the issue of how our state handles vulnerable children entrusted to us, we cannot stand idly by, blinded by parochialism, while families in this state are torn apart by the public policies that are intended to protect them.

Last year, I appointed a special committee and charged it with investigating the policies of the Division of Family Services within the Department of Social Services. Beginning in November, this committee held four hearings: In St. Louis, we heard four-and-a-half hours of testimony from witnesses; in Kansas City, we heard three-and-a-half hours of witnesses; and then in Springfield, our committee convened at 6 p.m. for our third hearing. Six and a half hours and 83 witnesses later, the hearing adjourned at 12:30 a.m. This we followed with another all-afternoon hearing in the Senate lounge last month.

If I may summarize what we heard, in 18 hours of hearings, it was an astonishing outpouring of anguish, tears, bitterness, frustration and despair. We heard witness after witness tell us that our current system has ruined lives, trampled on constitutional rights and torn families apart. Most of this was confirmed by the inquiry launched by the governor's study and included in their report. Children who should be removed from homes weren't, while other children, who should remain in an intact family, were ruthlessly taken and placed into foster care. The testimony was so lopsided against our system, including DFS, judges and juvenile officers, that had our hearings been a prize fight the referees would have stopped it.

Reform legislation will be proposed. I need your help. But far more important, the people of Missouri need your help in vindicating the constitutional rights of our citizens and in cleaning up this terrible blot on our state.

Incidentally, for any who want to take the time, we videotaped all the hearings and have also re-produced the audio on compact discs. I encourage all of you to avail yourselves of the chance to become acquainted with this haunting testimony, as a prelude to the action we must take.

Reform legislation will also be forthcoming on the issue of abuse that occurs in nursing homes, and this will need to be accomplished carefully, so that bad operators are dealt with while good ones aren't unduly penalized or forced to close.

The value of a society can be judged in many ways, none more compelling than how it cares for its oldest, and its youngest members. Let us move forward to improve the way our state cares for both.

In doing so, let us note that no challenge we face is greater than providing educational opportunities for all Missouri's children. Public schools are essential in this effort. Public charter schools are essential in this effort. Private schools are essential in this effort. Likewise, we honor the growing number of our citizens who are choosing the home-school option.

I believe we have an educational emergency - an unfolding catastrophe - in our two great cities. Yes, there are problems in other districts across Missouri. I am open to discussing them. But it seems we long ago became accustomed to reports of 60 percent dropout rates, even as we build more prisons to house the exploding population of these dropouts.

Last week, a published report informed us that in the city of St. Louis, no fewer than 6,000 school children will be informed that under the new federal Leave No Child Behind Act, they have the right to transfer to another school because their schools - 17 of them in St. Louis alone - are failing them. This is more schools than are failing in the District of Columbia, which has long been acknowledged to be one of the most dysfunctional urban school systems in America.

It is clear that for these children the hour is late, the need for action is critical, and all approaches aimed at giving parents more choices must be on the table.

Another year of failure is more than these students can stand. They won't get another chance at education. We must act and act boldly to try new

approaches to save another generation, yet again, from the failing schools in which current government policy has trapped them.

Meeting our challenges won't be easy. It won't be painless. Yet together, working across party lines as we often have before, including these last two years, we can bring Missouri through the challenges we face. I invite the governor and all our members to join us as we do the tough work of meeting these daunting challenges. If we do, then perhaps Jack Gentry, and the other Jack Gentrys across Missouri, will not fear what politicians have done to us, but will prosper in what has been accomplished for us, Missourians, and Americans, one and all.

President Maxwell resumed the Chair.

Senator Kinder nominated Terry L. Spieler for Secretary of the Senate.

No further nominations being made, Ms. Spieler was elected by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Kinder nominated Glenn Pound for Sergeant-at-Arms.

No other nominations being made, Mr. Pound was elected by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Kinder nominated Ken Holman for Doorkeeper.

No other nominations being made, Mr. Holman was elected by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Terry Spieler, Glenn Pound and Ken Holman advanced to the bar and subscribed to the oath of office, which was administered by Judge Limbaugh.

RESOLUTIONS

Senator Gibbons offered the following resolution, which was read:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Ninety-second General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem Peter Kinder

Secretary of Senate Terry L. Spieler

Sergeant-at-Arms Glenn Pound

Doorkeeper Ken Holman

Senator Gibbons moved that the above resolution be adopted, which motion prevailed.

Pursuant to Section 9.141, the Bill of Rights was read by Senator Loudon.

President Pro Tem Kinder assumed the Chair.

On motion of Senator Gibbons, the Senate recessed until 2:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-second General Assembly, First Regular Session, inform

the Senate that the House is duly convened and is now in session ready for consideration of business; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives of the Ninety-second General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

Speaker Catherine Hanaway

Speaker Pro Tem Rod Jetton

Chief Clerk Stephen S. Davis

Doorkeeper Alexander Graham Bell

Sergeant-at-Arms Ralph Robinett

Chaplains Father David Buescher and

Reverend James Earl Jackson

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-second General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED by the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene a joint session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 15, 2003, to receive a message from His Excellency, the Honorable Bob Holden, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-second General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED by the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session of the State of

Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene a joint session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 22, 2003, to receive a message from His Honor Stephen N. Limbaugh, Jr., the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and Senate of the Ninety-second General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 3, 2002, while the Senate was not in session.

Barbara B. Adelman, Democrat, 541 Fox Ridge Road, Frontenac, St. Louis County, Missouri 63131-3402, as a member of the Dam and Reservoir Safety Council, for a term ending June 25, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2002, while the Senate was not in session.

Ernest Z. Adelman, Democrat, 541 Fox Ridge Road, Frontenac, St. Louis County, Missouri 63131, as a member of the Board of Governors for Central Missouri State University, for a term ending January 1, 2006, and until his successor is duly appointed and qualified; vice, Janet Sanders, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2002, while the Senate was not in session.

Eric J. Aubert, D.M.D., 13413 Pardissi Court, St. Louis, St. Louis County, Missouri 63146, as a member of the Missouri Dental Board, for a term ending October 16, 2006, and until his successor is duly appointed and qualified; vice, Oswald Thomas, D.D.S., P.C., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2002, while the Senate was not in session.

Jack C. Baker, Democrat, Route 1 Box 259, Butler, Bates County, Missouri 64730, as a member of the Air Conservation Commission, for a term ending October 13, 2005, and until his successor is duly appointed and qualified; vice, Frank Farmer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2002, while the Senate was not in session.

Kathleen Carney Bargeon, 21 Eagles Way Lane, Lake St. Louis, St. Charles County, Missouri 63367, as a member of the Child Abuse and Neglect Review Board, for a term ending April 28, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2002, while the Senate was not in session.

Floyd O. Bartch, Democrat, 8005 Northeast 122 Terrace, Kansas City, Clay County, Missouri 64167, as a member of the Missouri Gaming Commission, for a term ending April 29, 2004, and until his successor is duly appointed and qualified; vice, Lewis Glendon Ullery, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 5, 2002, while the Senate was not in session.

Muriel W. Battle, Democrat, 2200 West Rollins Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Gaming Commission, for a term ending April 29, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 29, 2002, while the Senate was not in session.

Abdeldjelil "D.J." Belarbi, Ph.D., Democrat, 11110 Breeden Drive, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2007, and until his successor is duly appointed and qualified; vice, Lawrence George, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 1, 2002, while the Senate was not in session.

Carol E. Bergmann, 1501 Lack Ridge Drive, Ballwin, St. Louis County, Missouri 63021, as a member of the Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2005, and until her successor is duly appointed and qualified; vice, Lisa Guillory, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 18, 2002, while the Senate was not in session.

Amber H. Boykins, 4215 West San Francisco Avenue, St. Louis City, Missouri 63115, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until her successor is duly appointed and qualified; vice, Mary Brewster, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 5, 2002, while the Senate was not in session.

Gerald T. Brouder, 1905 South Fairview Road, Columbia, Boone County, Missouri 65203, as a member of the Midwestern Higher Education Commission, for a term ending January 6, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 29, 2002, while the Senate was not in session.

Elizabeth B. Brown, Democrat, 2054 State Road E, Fayette, Howard County, Missouri 65248, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 27, 2002, while the Senate was not in session.

Paula J. Burnett, 7716 Rabbit Ridge Road, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Council for Professional Physical Therapists, for a term ending October 1, 2006, and until her successor is duly appointed and qualified; vice, Mary Sheid, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2002, while the Senate was not in session.

Mary Louise Bussabarger, Democrat, 1914 Princeton Drive, Columbia, Boone County, Missouri 65203, as a member of the State Mental Health Commission, for a term ending June 28, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2002, while the Senate was not in session.

Stephen M. Calloway, 3900 Sherman Court, Columbia, Boone County, Missouri 65203, as a member of the Drug Utilization Review Board, for a term ending October 15, 2006, and until his successor is duly appointed and qualified; vice, Stacy Mangum, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2002, while the Senate was not in session.

Ansel P. Card, Republican, 4813 Shepherd Hills Road, Jefferson City, Cole County, Missouri 65101, as a member of the Board of Probation and Parole, for a term ending April 3, 2008, and until his successor is duly appointed and qualified; vice, Cranston Mitchell, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2002, while the Senate was not in session.

Ralph M. Caro, Republican, 16950 Max Court, Belton, Cass County, Missouri 64012, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2008, and until his successor is duly appointed and qualified; vice, Earl Wilson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 8, 2002, while the Senate was not in session.

Robert W. Cary, Democrat, 31915 McRoberts Rd., Canton, Lewis County, Missouri 63435, as a member of the State Milk Board, for a term ending September 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 5, 2002, while the Senate was not in session.

Lynn M. Catrett, 8980 Orf Road, O'Fallon, St. Charles County, Missouri 63366, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 5, 2002, while the Senate was not in session.

Melinda Clark, Republican, 9531 David Scott Drive, St. Louis, St. Louis County, Missouri 63126, as a member of the State Board of Senior Services, for a term ending August 30, 2005, and until her successor is duly appointed and qualified; vice, GERALYN M. KLENKE, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 5, 2002, while the Senate was not in session.

Harold D. Cleberg, 1305 Northwest 43rd Terrace, Kansas City, Clay County, Missouri 64116, as a member of the Missouri Family Trust Board of Trustees, for a term ending December 7, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 3, 2003, while the Senate was not in session.

Shonagh K. Clements, 2501 Sublette Avenue, St. Louis City, Missouri 63110, as a member of the Bi-State Development Agency Board of Commissioners, for a term ending November 11, 2007, and until her successor is duly appointed and qualified; vice, Margaret Donnelly, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2002, while the Senate was not in session.

N. Cheryl Coleman, Democrat, 1111 West 46th Street, Apartment 4, Kansas City, Jackson County, Missouri 64108, as a member of the Missouri Women's Council, for a term ending December 6, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2002, while the Senate was not in session.

Brian S. Conley, M.D., 2822 Foxdale, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Genetic Advisory Committee, for a term ending April 4, 2004, and until his successor is duly appointed and qualified; vice, Edith Mitchell, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 8, 2002, while the Senate was not in session.

Lynne M. Cooper, 4385 Maryland Avenue, St. Louis City, Missouri 63108, as a member of the Children's Trust Fund Board, for a term ending September 15, 2005, and until her successor is duly appointed and qualified; vice, Richard Dunn, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2002, while the Senate was not in session.

Donna S. Cowdrey, 6911 North Flora, Gladstone, Clay County, Missouri 64118, as a member of the State Board of Cosmetology, for a term ending October 13, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2002, while the Senate was not in session.

Wayne F. Crump, Democrat, 606 Pine Street, Potosi, Washington County, Missouri 63664, as a member of the Board of Probation and Parole, for a term ending August 16, 2008, and until his successor is duly appointed and qualified; vice, Jandra Carter, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2002, while the Senate was not in session.

Chester A. Culley, Republican, 6112 North West 77th Street, Kansas City, Jackson County, Missouri 64151, as a member of the Missouri Emergency Response Commission, for a term ending June 1, 2003, and until his successor is duly appointed and qualified; vice, Richard Tufts, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10,

2002, while the Senate was not in session.

Catherine Lorine Davis, Democrat, 925 South Woodland Drive, Kansas City, Clay County, Missouri 64118, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2004, and until her successor is duly appointed and qualified; vice, Patrick Brady, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 3, 2002, while the Senate was not in session.

Rita Kay Donovan, 4876 Scotsdale, House Springs, Jefferson County, Missouri 63051-2103, as a member of the Elevator Safety Board, for a term ending June 6, 2005, and until her successor is duly appointed and qualified; vice, Catherine Lauman, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 6, 2003, while the Senate was not in session.

June Doughty, 914 Carol Street, Jefferson City, Cole County, Missouri 65101, as a member of the Administrative Hearing Commission, for a term ending August 13, 2008, and until her successor is duly appointed and qualified; vice, Willard Reine, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 3, 2003, while the Senate was not in session.

Richard C. Dunn, ACSW, LCSW, 2255 South Meadowview, Springfield, Greene County, Missouri 65804, as Director of the Department of Health and Senior Services, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Maureen Dempsey, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September

27, 2002, while the Senate was not in session.

Karla K. Dwyer, 514 Lakeside Manor Drive, Kirksville, Adair County, Missouri 63501, as a member of the Drug Utilization Review Board, for a term ending October 15, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2002, while the Senate was not in session.

Dorothy V. Fauntleroy, 3815 East 68th Street, Kansas City, Jackson County, Missouri 64132, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 5, 2002, while the Senate was not in session.

William F. Ferrell, Route 2 Box 540, Sikeston, Scott County, Missouri 63801, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 5, 2002, while the Senate was not in session.

Edward E. Fields, 3928 Benton Boulevard, Kansas City, Jackson County, Missouri 64130-1432, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 29, 2002, while the Senate was not in session.

Antoinette M. Filla, 4935 Holly Hills, St. Louis City, Missouri 63109, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2005, and until her successor is duly appointed and qualified; vice, Anthony Ell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 19, 2002, while the Senate was not in session.

Bryan L. Forbis, Republican, 935 Fairmount Boulevard, Jefferson City, Cole County, Missouri 65101, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2006, and until his successor is duly appointed and qualified; vice, Sheila Lumpe, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 25, 2002, while the Senate was not in session.

Robert W. Fry, 4155 Allison Drive, Fulton, Callaway County, Missouri 65251, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2003, and until his successor is duly appointed and qualified; vice, Dallas Dickens, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2002, while the Senate was not in session.

Greg S. Gaffke, Democrat, 305 Hunters Run, Jefferson City, Cole County, Missouri 65109, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2008, and until his successor is duly appointed and qualified; vice, Gerald "Jerry" Abbott, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2002, while the Senate was not in session.

Anne C. Gardner, 908 West 7th Street, Sedalia, Pettis County, Missouri 65301, as a member of the Personnel Advisory Board, for a term ending July 31, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2002, while the Senate was not in session.

Sherman George, 6308 Tennessee Avenue, St. Louis City, Missouri 63111, as a member of the Advisory Committee for 911 Service Oversight, for a term ending July 31, 2006, and until his successor is duly appointed and qualified; vice, Steve Paulsell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2002, while the Senate was not in session.

Joy M. Gerstein, Republican, 820 Camp Street, Washington, Franklin County, Missouri 63090, as a member of the State Board of Embalmers and Funeral Directors, for a term ending September 1, 2006, and until her successor is duly appointed and qualified; vice, Rudolph Rhodes, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2002, while the Senate was not in session.

Sarah E. Giboney, 4013 Compton Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2005, and until her successor is duly appointed and qualified; vice, Carolyn Newport, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 5, 2002, while the Senate was not in session.

Jerome J. Govero, Republican, 1004 South 3rd Street, Festus, Jefferson County, Missouri 63028, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, Judith Hinrichs, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2002, while the Senate was not in session.

James W. "Jamie" Graham, 1501 South Jamison Street, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 27, 2002, while the Senate was not in session.

Ronald E. Graham, Republican, 1311 Southwest Granite Creek Drive, Blue Springs, Jackson County, Missouri 64015-6770, as a member of the Drug Utilization Review Board, for a term ending October 15, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2002, while the Senate was not in session.

John W. Greer, 639 Golf Course Rd., Marshfield, Webster County, Missouri 65706, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2002, while the Senate was not in session.

Shawn P. Griffin, M.D., 2305 Bent Tree Court, St. Joseph, Buchanan County, Missouri 64506, as a member of the Children's Trust Fund Board, for a term ending October 10, 2005, and until his successor is duly appointed and qualified; vice, RSMo 210.170.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2002, while the Senate was not in session.

Jessie J. Harris, Jr., 10715 Fuller Avenue, Kansas City, Jackson County, Missouri 64134, as a member of the Missouri Community Service Commission, for a term ending October 15, 2004, and until his successor is duly appointed and qualified; vice, Ida Woolfolk, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 19, 2002, while the Senate was not in session.

Mark S. Hasheider, 1 South Sprigg Street, Cape Girardeau, Cape Girardeau County, Missouri 63703, as a member of the Seismic Safety Commission, for a term ending August 11, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2002, while the Senate was not in session.

Gregory L. Hempen, 56 Montague Court, St. Louis, St. Louis County, Missouri 63123, as a member of the Seismic Safety Commission, for a term ending August 11, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 19, 2002, while the Senate was not in session.

James A. Hendren, Democrat, 10950 West Bradley Lane, Rocheport, Boone County, Missouri 65279, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2004, and until his successor is duly appointed and qualified; vice, Willie L. McCann, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2002, while the Senate was not in session.

Robert B. Herrmann, Ph.D., 1469 Oak Bluff Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the Seismic Safety Commission, for a term ending August 11, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 1, 2002, while the Senate was not in session.

John J. Hickey, Democrat, 11743 Laux, Bridgeton, St. Louis County, Missouri 63044, as a member of the Labor and Industrial Relations Commission, for a term ending July 27, 2008, and until his successor is duly appointed and qualified; vice, Matthew O'Neill, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 8, 2002, while the Senate was not in session.

Richard L. Hill, 2385 South Robertson Mill Way, Nixa, Stone County, Missouri 65714, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2002, while the Senate was not in session.

Richard Ephraim Hillman, M.D., 7900 Cave Creek Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 3, 2003, while the Senate was not in session.

Judith Sutter Hinrichs, Republican, 24 Enfield Road, St. Louis, St. Louis County, Missouri 63132, as a member of the Missouri Gaming Commission, for a term ending April 29, 2003, and until her successor is duly appointed and qualified; vice, Joe Adorjan, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 19, 2002, while the Senate was not in session.

John M. Holbrook, 355 Country Road 603, Cape Girardeau, Cape Girardeau County, Missouri 63755, as a member of the Board of Geologist Registration, for a term ending April 11, 2005, and until his successor is duly appointed and qualified; vice, Thomas Watkins, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 18, 2002, while the Senate was not in session.

Robert W. Honan, 1117 Tyler, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until his successor is duly appointed and qualified; vice, Michele Ohmes, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2002, while the Senate was not in session.

Norella V. Huggins, Democrat, 1020 Woodgate, Kirkwood, St. Louis County, Missouri 63122, as a member of the Hazardous Waste Management Commission, for a term ending July 31, 2006, and until her successor is duly appointed and qualified; vice, Rachel Locke, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2002, while the Senate was not in session.

Mary S. Ireland, 805 West Sycamore, Nevada, Vernon County, Missouri 64772, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 18, 2002, while the Senate was not in session.

Jerany L. Jackson, 3145 South Arcadia Avenue, Springfield, Greene County, Missouri 65804, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending April 16, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 327.031.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 18, 2002, while the Senate was not in session.

Robert T. Jackson, 1600 East 52nd Street, Kansas City, Jackson County, Missouri 64110-2614, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 29, 2002, while the Senate was not in session.

Larry A. Jones, M.D., 19 Washington Terrace, St. Louis City, Missouri 63112, as a member of the State Mental Health Commission, for a term ending June 28, 2006, and until his successor is duly appointed and qualified; vice, Denise Troy Curry, M.D., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2002, while the Senate was not in session.

Sherry S. Jones, Republican, 20841 LIV 431, Dawn, Livingston County, Missouri 64638, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, Eldon Harris, term

expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 27, 2002, while the Senate was not in session.

Barry M. Kayes, Democrat, 338 North Meramec, St. Louis, St. Louis County, Missouri 63105, as a member of the Air Conservation Commission, for a term ending October 13, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2002, while the Senate was not in session.

Sharon M. Keating, Democrat, 3805 Sherwood Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2007, and until her successor is duly appointed and qualified; vice, James W. Hutcheson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 29, 2002, while the Senate was not in session.

Cosette D. Kelly, Democrat, 2800 South Hawthorne Avenue, Independence, Jackson County, Missouri 64052, as a member of the Clean Water Commission, for a term ending August 12, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2002, while the Senate was not in session.

John A. Klebba, Republican, P.O. Box 1249, 105 Klebba Drive, Linn, Osage County, Missouri 65051, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 27, 2002, while the Senate was not in session.

Timothy R. Koch, 1610 Irish Sea, High Ridge, Jefferson County, Missouri 63049, as a member of the State Board of Pharmacy, for a term ending September 27, 2007, and until his successor is duly appointed and qualified; vice, James Gray, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2002, while the Senate was not in session.

Byron T. Koster, 3509 Eminence Boulevard, St. Louis, St. Louis County, Missouri 63114-4223, as a member of the Missouri Planning Council on

Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, Shawn DeLoyola, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2002, while the Senate was not in session.

Cletus B. Kraenzle, 11373 State Route M, Ste. Genevieve, Ste. Genevieve County, Missouri 63670, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending September 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 1, 2002, while the Senate was not in session.

John G. Kruse, 1700 Forum Boulevard, Apartment 2810, Columbia, Boone County, Missouri 65203, as a member of the Board of Trustees of the

Public School Retirement System, for a term ending July 1, 2004, and until his successor is duly appointed and qualified; vice, Laurel Cochnet, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 3, 2003, while the Senate was not in session.

Lowell C. Kruse, Democrat, 7300 75th Road Southeast, St. Joseph, Buchanan County, Missouri 64507, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2008, and until his successor is duly appointed and qualified; vice, Jim Summers, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 5, 2002, while the Senate was not in session.

Robert L. Langdon, Democrat, 766 Highland Avenue, Lexington, Lafayette County, Missouri 64067, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2008, and until his successor is duly appointed and qualified; vice, Adam Fischer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 19, 2002, while the Senate was not in session.

Susan C. Lauritsen, 4558 Chouteau, St. Louis City, Missouri 63110-1518, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2003, and until her successor is duly appointed and qualified; vice, Anne Schmidt, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 19, 2002, while the Senate was not in session.

Charli Jo Ledgerwood, 706 Black Jack Street, Cassville, Barry County, Missouri 65625, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 3, 2003, while the Senate was not in session.

Kenneth D. Legan, Republican, 1901 East 487th Road, Halfway, Polk County, Missouri 65663, as a member of the Labor and Industrial Relations Commission, for a term ending July 27, 2004, and until his successor is duly appointed and qualified; vice, David Klarich, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 5, 2002, while the Senate was not in session.

Sarah J. Long, 2011 Woodhaven, Poplar Bluff, Butler County, Missouri 63901, as a member of the Children's Trust Fund Board, for a term ending September 15, 2005, and until her successor is duly appointed and qualified; vice, RSMo. 210.170.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 18, 2002, while the Senate was not in session.

Sharon K. Lowman, Republican, 5000 Locust Lane, Sedalia, Pettis County, Missouri 65301, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2005, and until her successor is duly appointed and qualified; vice, Henry Clabaugh, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 25, 2002, while the Senate was not in session.

Mary E. Luebke, 10 Deer Valley Court, Florissant, Saint Louis County, Missouri 63034, as a member of the Board for Certification of Interpreters, for a term ending June 27, 2004, and until her successor is duly appointed and qualified; vice, Jean Galloway, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 5, 2002, while the Senate was not in session.

Owen Lunn, 331 East Locust Street, Nevada, Vernon County, Missouri 64772, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 8, 2002, while the Senate was not in session.

Terry M. Mackey, 1314 North Jefferson, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Beverly Woodhurst, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2002, while the Senate was not in session.

Donna M. Mannello, Democrat, 3835 Cleveland Avenue, St. Louis, St. Louis County, Missouri 63110, as a member of the State Board of Health, for a term ending October 13, 2007, and until her successor is duly appointed and qualified; vice, Marcella Williams, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 3, 2003, while the Senate was not in session.

David Eric McClure, 1366 South Farm Road 237, Robertsville, Greene County, Missouri 65742, as Commissioner of the Missouri Division of Finance, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Earl L. Manning, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2002, while the Senate was not in session.

Donald L. McCulloch, Democrat, 102 Ballew Lane, Waynesville, Pulaski County, Missouri 65583, as a member of the State Board of Barber Examiners, for a term ending May 5, 2006, and until his successor is duly appointed and qualified; vice, Donna Zaring, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2002, while the Senate was not in session.

Kenneth G. McGhee, Democrat, 1532 Langholm Drive, Florissant, St. Louis County, Missouri 63031, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2007, and until his successor is duly appointed and qualified; vice, Susie Cunningham-Shaw, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 8, 2002, while the Senate was not in session.

Meg K. McLaughlin, 1413 West Main Street, Apt. A, Jefferson City, Cole County, Missouri 65109, as a member of the Seismic Safety Commission, for a term ending August 11, 2006, and until her successor is duly appointed and qualified; vice, Pamela Nunn, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2002, while the Senate was not in session.

Larry Dean Neff, 11333 Norway Road, Neosho, Newton County, Missouri 64850, as a member of the Missouri Development Finance Board, for a term ending September 14, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2002, while the Senate was not in session.

Joann E. Noll, 1270 Bridle Road, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2002, while the Senate was not in session.

Robert P. O'Dell, 7169 State Road Y, Conway, Dallas County, Missouri 65632, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 29, 2002, while the Senate was not in session.

Gertrude E. O'Leary, Republican, 202 Dunklin Drive, Herculaneum, Jefferson County, Missouri 63048, as a member of the Mississippi River Parkway Commission, for a term ending August 15, 2007, and until her successor is duly appointed and qualified; vice, Laurie Wintersheidt, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2002, while the Senate was not in session.

Gary B. O'Neal, 857 Wellesley Place Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2006, and until his successor is duly appointed and qualified; vice, Gary Collins, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2002, while the Senate was not in session.

Deborah U. Parsons, 2709 Lilac Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until her successor is duly appointed and qualified; vice, Melodie Friedebach, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 5, 2002, while the Senate was not in session.

Margie E. Peltier, 2914 East 55th Street, Kansas City, Jackson County, Missouri 64130, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2002, while the Senate was not in session.

Mona L. Perry, 510 Miller Drive, Belton, Cass County, Missouri 64012, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 19, 2002, while the Senate was not in session.

James R. Person, 706 Belton Avenue, Belton, Cass County, Missouri 64012, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2006, and until his successor is duly appointed and qualified; vice, Bill Adams, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 27, 2002, while the Senate was not in session.

Mary H. Quigley, 668 Vassar Avenue, University City, St. Louis County, Missouri 63130, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until her successor is duly appointed and qualified; vice, Jeanne Phillips-Roth, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 6, 2003, while the Senate was not in session.

Michael J. Quinn, 11 Hortense Place, St. Louis City, Missouri 63108, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Mark Smith, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2002, while the Senate was not in session.

Doug Randell, 8947 Edna Street, St. Louis City, Missouri 63147, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, David Rice, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 26, 2002, while the Senate was not in session.

Ronald W. Randen, 195 State Highway 153, P.O. Box 91, Gideon, New Madrid County, Missouri 63848, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Ronald Breshears, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2002, while the Senate was not in session.

Thomas C. Roeseler, 2652 Whitewood Trail, St. Louis, St. Louis County, Missouri 63129, as a member of the Seismic Safety Commission, for a term ending August 11, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 18, 2002, while the Senate was not in session.

John D. Rogers, 509 Gascony Way, Warson Woods, St. Louis County, Missouri 63122-1450, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2005, and until his successor is duly appointed and qualified; vice, Debra Howenstine, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2002, while the Senate was not in session.

Peter M. Schloss, 312 Lakeside Drive, Liberty, Clay County, Missouri 64068, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2002, while the Senate was not in session.

Jay L. Schultehenrich, 2734 Willowford Lane, St. Clair, Franklin County, Missouri 63077, as a member of the State Board of Mediation, for a term ending October 25, 2005, and until his successor is duly appointed and qualified; vice, Robert Douglass, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 19, 2002, while the Senate was not in session.

John L. Sheets, 2505 Horseshoe Ridge, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Dental Board, for a term ending October 16, 2007, and until his successor is duly appointed and qualified; vice, Guy S. Dayton, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 21, 2002, while the Senate was not in session.

Sharon Smith, 7132 Vernon, University City, St. Louis County, Missouri 63130, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until her successor is duly appointed and qualified; vice, Cynthia Schloss, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2002, while the Senate was not in session.

Elizabeth T. Solberg, Republican, 850 West 52nd Street, Kansas City, Jackson County, Missouri 64112, as a member of the Missouri Development Finance Board, for a term ending September 14, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2002, while the Senate was not in session.

Jean A. Stark, D.V.M., Democrat, 840 County Road 111, Fayette, Howard County, Missouri 65248-9759, as a member of the Missouri Veterinary Medical Board, for a term ending August 23, 2005, and until her successor is duly appointed and qualified; vice, Dawn M. Parsons, D.V.M., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2002, while the Senate was not in session.

Phyllis J. Steckel, 2138 Meadow Oaks Lane, Post Office Box 2002, Washington, Franklin County, Missouri 63090, as a member of the Seismic Safety Commission, for a term ending August 11, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2002, while the Senate was not in session.

Carol F. Stow, Democrat, 1525 Timber Trail, Jefferson City, Cole County, Missouri 65109-1921, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, Solomon Agin, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 3, 2002, while the Senate was not in session.

Shirley Mae Sweet, Republican, 816 S. Hanley Road 110, Clayton, St. Louis County, Missouri 63105-2684, as a member of the State Board of Barber Examiners, for a term ending September 1, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2002, while the Senate was not in session.

Letitia R. Thomas, 1023 Westwinds Ct., Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2002, while the Senate was not in session.

Russell V. Thompson, Republican, 6300 South State Highway 163, Columbia, Boone County, Missouri 65203, as a member of the State Board of Education, for a term ending July 1, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 18, 2002, while the Senate was not in session.

Jennifer Tidwell, Democrat, 3831 Harrison, Kansas City, Jackson County, Missouri 64109, as a member of the State Tax Commission, for a term ending January 23, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 25, 2002, while the Senate was not in session.

Gary F. Toelke, 34 Edwards Circle, Union, Franklin County, Missouri 63084, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2002, while the Senate was not in session.

Rose Utley, Ph.D., R.N., Republican, 6504 South Farm Road 189, Rogersville, Greene County, Missouri 65742, as a member of the Missouri Community Service Commission, for a term ending April 23, 2007, and until her successor is duly appointed and qualified; vice, Ricardo Gutierrez, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2002, while the Senate was not in session.

Janet L. Vanderpool, 508 South Coleman Street, Princeton, Mercer County, Missouri 64673, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2005, and until her successor is duly appointed and qualified; vice, Cordelia Esry, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 5, 2002, while the Senate was not in session.

Donna M. Vandiver, Republican, 1238 Chavaniac Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Women's Council, for a term ending December 6, 2004, and until her successor is duly appointed and qualified; vice, Linda Arnold, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 3, 2002, while the Senate was not in session.

Ellen Velie, 1909 Whitney Woods, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a

term ending August 3, 2005, and until her successor is duly appointed and qualified; vice, Amy Campbell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 7, 2003, while the Senate was not in session.

Cheryl Walker, Republican, 2729 Saint Vincent Avenue, St. Louis City, Missouri 63104, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, Beverly "Malaika" Horne, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 7, 2003, while the Senate was not in session.

Don Walsworth, Democrat, 315 West Santa Fe, Marceline, Linn County, Missouri 64658, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Paul Steele, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 27, 2002, while the Senate was not in session.

Peggy Wanner-Barjenbruch, M.D., 7626 Audrain County Road 355, Mexico, Audrain County, Missouri 65265, as a member of the Drug Utilization Review Board, for a term ending October 15, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 3, 2002, while the Senate was not in session.

Leslie L. Warden, Democrat, 917 Dale, Herculaneum, Jefferson County, Missouri 63048, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, Linda Prewitt, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 5, 2002, while the Senate was not in session.

Laura R. Webster, 538 Ha Ha Tonka Road, Camdenton, Camden County, Missouri 65020, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 10, 2002, while the Senate was not in session.

Vicky L. Weimholt, 715 Peachtree, Jefferson City, Cole County, Missouri 65101, as a member of the Personnel Advisory Board, for a term ending July 13, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 25, 2002, while the Senate was not in session.

Steven R. Wilhelm, 625 South Skinker, St. Louis City, Missouri 63105, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2005, and until his successor is duly appointed and qualified; vice, Mary Lou Bussabarger, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 5, 2002, while the Senate was not in session.

Harriett F. Woods, Democrat, 7147 Princeton Avenue, University City, St. Louis County, Missouri 63130, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 11, 2002, while the Senate was not in session.

Lisa M. Woods, Rural Route 1, Box 161, Huntsville, Randolph County, Missouri 65259, as a member of the Missouri Genetic Advisory Committee, for a term ending April 4, 2004, and until her successor is duly appointed and qualified; vice, Carolyn Newport, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 13, 2002, while the Senate was not in session.

Anne Marie Young, 7232 North Monroe Avenue, Gladstone, Clay County, Missouri 64119, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2004, and until her successor is duly appointed and qualified; vice, Robert E. Bell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2002, while the Senate was not in session.

Gerald J. Zafft, 10498 Frontenac Woods Drive, St. Louis, St. Louis County, Missouri 63131, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

**FIRST READING OF
PRE-FILED SENATE BILLS**

As provided in Chapter 21, RSMo 2000, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and Joint Resolutions were introduced and read for the first time:

SB 1-By Russell.

An Act to amend chapter 306, RSMo, by adding thereto two new sections relating to boating safety, with penalty provisions.

SB 2-By Russell.

An Act to repeal section 288.050, RSMo, relating to disqualification of unemployment benefits, and to enact in lieu thereof one new section relating to the same subject.

SB 3-By Russell.

An Act to repeal section 190.528, RSMo, relating to the provision of stretcher van services by fire protection districts, and to enact in lieu thereof one new section relating to the same subject.

SB 4-By Caskey and Russell.

An Act to amend chapters 41 and 301, RSMo, by adding thereto two new sections relating to antiterrorism.

SB 5-By Caskey.

An Act to repeal sections 195.275, 217.760, 455.085, 513.653, 557.036, 558.011, 558.016, 558.019, 559.026, 559.115, 569.025, 569.035, 570.040, and 571.015, RSMo, relating to various sentencing provisions, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

SB 6-By Caskey.

An Act to repeal section 461.300, RSMo, and to enact in lieu thereof one new section relating to nonprobate transfers.

SB 7-By Mathewson.

An Act to authorize the governor to convey a tract of land owned by the state in the county of Pettis to the E.W. Thompson State School.

SB 8-By Goode and Stoll.

An Act to amend chapter 135, RSMo, by adding thereto twenty-six new sections relating to senior citizen homestead deferral of taxes.

SB 9-By Goode and Dougherty.

An Act to repeal sections 210.104, 210.107, and 307.178, RSMo, relating to child safety restraints, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions and an effective date.

SB 10-By Goode and Steelman.

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to unsolicited commercial electronic mail, with an effective date for a certain section.

SB 11-By Kinder.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing, school supplies and personal computers before the start of the school year, with an emergency clause and a termination date.

SB 12-By Kinder.

An Act to amend chapter 1, RSMo, by adding thereto two new sections relating to prohibition of interference with the free exercise of religion.

SB 13-By Kinder.

An Act to repeal section 21.750, RSMo, relating to rights of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

SB 14-By DePasco.

An Act to repeal section 84.510, RSMo, relating to certain police officers, and to enact in lieu thereof one new section relating to the same subject.

SB 15-By Childers.

An Act to repeal section 21.183, RSMo, relating to the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

SB 16-By Childers.

An Act to repeal section 137.721, RSMo, relating to the percentage of ad valorem property tax collections to be deposited in county assessment funds, and to enact in lieu thereof one new section relating to the same subject.

SB 17-By Childers.

An Act to repeal section 320.094, RSMo, relating to fire protection, and to enact in lieu thereof three new sections relating to the same subject.

SB 18-By Yeckel and Cauthorn.

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof one new section relating to higher education savings programs.

SB 19-By Yeckel and Cauthorn.

An Act to repeal section 143.111, RSMo, relating to medical savings accounts, and to enact in lieu thereof two new sections relating to the same subject.

SB 20-By Yeckel.

An Act to repeal sections 137.100, 144.030, and 144.615, RSMo, relating to various tax exemptions, and to enact in lieu thereof three new sections relating to the same subject.

SB 21-By Bland.

An Act to repeal sections 546.070 and 650.055, RSMo, and to enact in lieu thereof eleven new sections relating to the criminal justice system, with penalty provisions.

SB 22-By Bland.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

SB 23-By Bland.

An Act to amend chapter 354, RSMo, by adding thereto twenty-three new sections relating to certain health care benefits with a contingent effective date for certain sections and a referendum clause.

SB 24-By Steelman.

An Act to repeal sections 660.058, 660.250, 660.260, and 660.300, RSMo, and to enact in lieu thereof three new sections relating to in-home services for the elderly, with penalty provisions.

SB 25-By Steelman.

An Act to repeal section 621.015, RSMo, relating to environmental hearings, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

SB 26-By Steelman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for health insurance premiums.

SB 27-By Gibbons.

An Act relating to a flat tax on individual income tax, with an effective date.

SB 28-By Gross.

An Act to repeal section 33.250, RSMo, relating to estimates of revenue for state budgeting purposes, and to enact in lieu thereof one new section relating to the same subject.

SB 29-By Gross.

An Act to repeal sections 115.359 and 115.363, RSMo, and to enact in lieu thereof two new sections relating to deadlines for elections.

SB 30-By Gross, Cauthorn and Kinder.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to missing persons.

SB 31-By Foster.

An Act to repeal sections 167.161 and 167.171, RSMo, and to enact in lieu thereof two new sections relating to suspension or expulsion of pupils in public schools, with penalty provisions.

SB 32-By Foster.

An Act to repeal sections 290.210, 290.250, 290.260, and 290.262, RSMo, and to enact in lieu thereof four new sections relating to prevailing wage violations.

SB 33-By Loudon and Scott.

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to establishment of the open contracting act.

SB 34-By Loudon.

An Act to repeal section 188.028, RSMo, relating to informed consent to an abortion, and to enact in lieu thereof one new section relating to the same subject.

SB 35-By Loudon.

An Act to amend chapter 313, RSMo, by adding thereto five new sections relating to gambling.

SB 36-By Klindt and Cauthorn.

An Act to repeal section 640.010, RSMo, and to enact in lieu thereof four new sections relating to environmental regulation.

SB 37-By Klindt and Kinder.

An Act to repeal sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675, 28.678, and 28.681, RSMo, relating to uniform electronic transactions act, and to enact in lieu thereof seventeen new sections relating to the same subject.

SB 38-By Klindt, Russell and Cauthorn.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the establishment of the Missouri biomass technology commission, with an expiration date.

SB 39-By Cauthorn, Gross, Klindt and Nodler.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to the establishment of the Missouri sheriff methamphetamine relief team.

SB 40-By Cauthorn, Gross and Nodler.

An Act to repeal section 33.803, RSMo, and to enact in lieu thereof one new section relating to performance-based budgeting for state departments.

SB 41-By Cauthorn and Klindt.

An Act to repeal section 160.011, RSMo, and to enact in lieu thereof two new sections relating to rural school districts.

SB 42-By Dougherty.

An Act to repeal sections 191.900, 191.910, 197.367, 198.022, 198.026, 198.032, 198.036, 198.039, 198.067, 198.070, 198.073, 198.080, 198.082, 198.085, 198.088, 198.093, 198.525, 198.526, 198.531, 565.186, 565.188, 630.140, 630.167, 660.250, 660.260, 660.263, 660.270, and 660.300, RSMo, and to enact in lieu thereof thirty-six new sections relating to protection of the elderly, with penalty provisions.

SB 43-By Dougherty.

An Act to amend chapter 660, RSMo, by adding thereto five new sections relating to children's protection and services, with penalty provisions.

SB 44-By Dougherty.

An Act to amend chapter 288, RSMo, by adding thereto eleven new sections relating to the family leave act, with an effective date.

SB 45-By Kennedy.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to immunizations.

SB 46-By Kennedy.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for persons assisting disabled citizens, with an expiration date.

SB 47-By Kennedy.

An Act to repeal section 429.015, RSMo, and to enact in lieu thereof one new section relating to liens on real property by political subdivisions for abatement of dangerous buildings.

SB 48-By Coleman.

An Act to amend chapter 374, RSMo, by adding thereto five new sections relating to security guards.

SB 49-By Coleman.

An Act to repeal section 569.100, RSMo, relating to property damage of a motor vehicle, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 50-By Coleman.

An Act to repeal section 116.130, RSMo, relating to verification of signatures on initiative or referendum petitions, and to enact in lieu thereof one new section relating to the same subject.

SB 51-By Shields.

An Act to repeal section 174.020, RSMo, relating to names of state colleges, and to enact in lieu thereof one new section relating to the same subject.

SB 52-By Shields.

An Act to repeal section 143.183, RSMo, relating to the taxation of non-resident professional athletes and entertainers,

and to enact in lieu thereof one new section relating to the same subject.

SB 53-By Shields and Nodler.

An Act to repeal section 174.020, RSMo, relating to names of state colleges, and to enact in lieu thereof one new section relating to the same subject.

SB 54-By Griesheimer.

An Act to repeal sections 301.147 and 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, 643.310 and 643.315, RSMo, and to enact in lieu thereof four new sections relating to motor vehicles.

SB 55-By Nodler.

An Act to repeal sections 174.020 and 174.241, RSMo, and to enact in lieu thereof two new sections relating to Missouri southern state college.

SB 56-By Nodler.

An Act to repeal section 174.324, RSMo, and to enact in lieu thereof two new sections relating to Missouri Southern State College, with an expiration date for a certain section.

SB 57-By Nodler.

An Act to repeal section 130.026, RSMo, relating to filing of campaign finance reports, and to enact in lieu thereof one new section relating to the same subject.

SB 58-By Russell.

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to required documentation for Internet services provided by telecommunications companies.

SB 59-By Russell.

An Act to repeal supreme court rule 5.29, relating to unauthorized practice of law, and to enact in lieu thereof one new supreme court rule relating to the same subject.

SB 60-By Russell.

An Act to repeal section 105.510, RSMo, and to enact in lieu thereof one new section relating to union membership.

SB 61-By Caskey.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to the use of social security numbers, with an effective date and penalty provisions.

SB 62-By Caskey.

An Act to repeal section 60.010, RSMo, relating to county surveyors and land surveys, and to enact in lieu thereof one new section relating to the same subject.

SB 63-By Caskey.

An Act to repeal section 211.477, RSMo, relating to parental rights, and to enact in lieu thereof one new section relating to the same subject.

SB 64-By Goode and Gross.

An Act to repeal sections 190.300, 190.305, 190.310, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, and 650.330, RSMo, and to enact in lieu thereof nine new sections relating to 911 emergency services.

SB 65-By Goode and Gross.

An Act to repeal sections 194.400, 194.407, 194.408, 194.409, and 194.410, RSMo, relating to the disposition of dead bodies, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

SB 66-Withdrawn.

SB 67-By Childers.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to professional development schedules for public schools.

SB 68-By Childers.

An Act to repeal section 321.552, RSMo, relating to sales tax for ambulance and fire protection districts, and to enact in lieu thereof one new section relating to the same subject.

SB 69-By Yeckel.

An Act to amend chapter 620, RSMo, by adding thereto seven new sections relating to small businesses.

SB 70-By Yeckel.

An Act to repeal sections 188.080 and 197.200, RSMo, relating to protection of recipients of medical services, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 71-By Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to property taxation.

SB 72-By Bland.

An Act to repeal section 160.415, RSMo, relating to charter schools, and to enact in lieu thereof one new section relating to the same subject.

SB 73-By Bland.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity, with an emergency clause.

SB 74-By Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for weight reduction counseling.

SB 75-By Steelman.

An Act to amend chapter 193, RSMo, by adding thereto two new sections relating to certificate of birth resulting in stillbirth.

SB 76-By Gross.

An Act to repeal section 137.115, RSMo, relating to property taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 77-By Gross.

An Act to repeal section 144.190, RSMo, and to enact in lieu thereof one new section relating to sales tax collected from sales of coffins and outer burial containers.

SB 78-By Gross.

An Act to repeal section 104.040, RSMo, and to enact in lieu thereof one new section relating to certain purchases of prior government service for retirement.

SB 79-By Loudon.

An Act to repeal section 137.115, RSMo, relating to assessment of real property, and to enact in lieu thereof one new section relating to the same subject.

SB 80-By Loudon.

An Act to repeal section 137.115, RSMo, relating to the assessment of property, and to enact in lieu thereof one new section relating to the same subject.

SB 81-By Loudon.

An Act to repeal section 288.030, RSMo, relating to employment security definitions, and to enact in lieu thereof one new section relating to the same subject.

SB 82-By Klindt.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to food inspection.

SB 83-By Cauthorn, Klindt, Foster, Steelman and Nodler.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

SB 84-By Cauthorn and Klindt.

An Act to repeal sections 148.350, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

SB 85-By Dougherty.

An Act to repeal section 210.516, RSMo, relating to residential facilities for children, and to enact in lieu thereof one new section relating to the same subject.

SB 86-By Dougherty.

An Act to repeal sections 194.220, 376.429, and 376.1250, RSMo, and to enact in lieu thereof three new sections relating to health care.

SB 87-By Dougherty.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to children with special health care needs.

SB 88-By Kennedy.

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof twenty-two new sections relating to private investigators, with penalty provisions.

SB 89-By Kennedy.

An Act to repeal section 301.144, RSMo, and to enact in lieu thereof one new section relating to amateur radio license plates.

SB 90-By Kennedy.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to automated traffic control enforcement system, with an expiration date.

SB 91-By Coleman.

An Act to repeal section 577.021, RSMo, relating to blood alcohol content testing, and to enact in lieu thereof one new section relating to the same subject.

SB 92-By Coleman.

An Act to repeal sections 701.300, 701.302, 701.310, 701.312, 701.326, and 701.330, RSMo, and to enact in lieu thereof twelve new sections relating to lead poisoning prevention, with penalty provisions.

SB 93-By Shields.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales and use taxes.

SB 94-By Shields.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to donations of teachers to schools.

SB 95-By Shields.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a small business health insurance tax program, with an expiration date.

SB 96-By Russell.

An Act to repeal section 105.520, RSMo, and to enact in lieu thereof one new section relating to collective bargaining.

SB 97-By Russell.

An Act to repeal section 484.020, RSMo, relating to the practice of law, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 98-By Russell.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

SB 99-By Caskey.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to assessment of real property.

SB 100-By Caskey.

An Act to repeal sections 104.010 and 104.1003, RSMo, and to enact in lieu thereof two new sections relating to public retirement systems.

SB 101-By Caskey.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to violations of county ordinances.

SB 102-By Goode.

An Act to amend chapter 252, RSMo, by adding thereto five new sections relating to invasive species management.

SB 103-By Goode.

An Act to repeal section 260.273, RSMo, relating to waste tires, and to enact in lieu thereof one new section relating to the same subject.

SB 104-By Goode and Dougherty.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to the Missouri housing trust fund.

SB 105-By Bland.

An Act to repeal sections 494.425 and 494.430, RSMo, relating to jury service, and to enact in lieu thereof two new sections relating to the same subject.

SB 106-By Bland.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the Kansas City Missouri school district.

SB 107-By Bland.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to missing persons.

SB 108-By Gross.

An Act to repeal section 109.250, RSMo, and to enact in lieu thereof one new section relating to the state records commission.

SB 109-By Gross.

An Act to repeal sections 429.010 and 429.080, RSMo, and to enact in lieu thereof two new sections relating to mechanic liens.

SB 110-By Gross, Nodler, Loudon and Russell.

An Act to repeal sections 188.015, 188.052, 188.055, and 188.070, RSMo, and to enact in lieu thereof five new sections relating to certain governmental records and their confidentiality, with penalty provisions.

SB 111-By Loudon.

An Act to repeal sections 610.120 and 610.122, RSMo, relating to expungement of certain criminal records, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

SB 112-By Loudon.

An Act to repeal sections 167.181 and 210.003, RSMo, relating to immunizations for children, and to enact in lieu thereof two new sections relating to the same subject.

SB 113-By Loudon.

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to air bags, with penalty provisions.

SB 114-By Dougherty.

An Act to repeal sections 375.1300, 375.1303, 375.1306, and 375.1309, RSMo, relating to genetic information and testing for insurance purposes, and to enact in lieu thereof four new sections relating to the same subject.

SB 115-By Dougherty.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to air quality in public schools.

SB 116-By Shields and Gross.

An Act to repeal section 386.050, RSMo, relating to campaign committees, and to enact in lieu thereof one new section relating to the same subject.

SB 117-By Shields.

An Act to repeal section 301.010, RSMo, relating to driveaway operations, and to enact in lieu thereof one new section relating to the same subject.

SB 118-By Shields.

An Act to repeal sections 104.010 and 104.1003, RSMo, relating to public retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

SB 119-By Russell.

An Act to repeal sections 105.525 and 105.969, RSMo, and to enact in lieu thereof two new sections relating to public officers and employees.

SB 120-By Caskey.

An Act to repeal section 137.082, RSMo, relating to assessment of newly constructed property, and to enact in lieu thereof one new section relating to the same subject.

SB 121-By Caskey.

An Act to repeal section 64.905, RSMo, relating to county planning and zoning, and to enact in lieu thereof one new section relating to the same subject.

SB 122-By Caskey.

An Act to repeal section 137.245, RSMo, and to enact in lieu thereof two new sections relating to dates of delivery of assessor's tax books, with penalty provisions.

SB 123-By Goode.

An Act to repeal section 407.020, RSMo, relating to home loans, and to enact in lieu thereof twelve new sections relating to the same subject, with an effective date and penalty provisions.

SB 124-By Goode.

An Act to repeal section 144.025, RSMo, relating to sales and use taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 125-By Goode.

An Act to amend chapter 393, RSMo, by adding thereto three new sections relating to water corporations.

SB 126-By Bland.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to the public service commission.

SB 127-By Bland.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to the public service commission.

SB 128-By Bland.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to energy cost assistance, with an emergency clause.

SB 129-By Gross.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to the expenditure of public funds by public officials.

SB 130-By Gross.

An Act to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri.

SB 131-By Gross.

An Act to repeal section 115.133, RSMo, relating to qualification of voters, and to enact in lieu thereof one new section relating to the same subject.

SB 132-By Loudon.

An Act to repeal section 33.103, RSMo, and to enact in lieu thereof one new section relating to cafeteria plans for state employees.

SB 133-By Loudon.

An Act to repeal section 105.452, RSMo, relating to state officeholders and commercials, and to enact in lieu thereof one new section relating to the same subject.

SB 134-By Loudon.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 135-By Goode.

An Act to repeal section 137.100, RSMo, and to enact in lieu thereof one new section relating to tax exemptions.

SB 136-By Goode.

An Act to repeal section 115.127, RSMo, relating to filing requirements for declaration of candidacy, and to enact in lieu thereof one new section relating to the same subject.

SB 137-By Goode.

An Act to amend chapter 8, RSMo, by adding thereto nine new sections relating to design-build, with an expiration date.

SB 138-By Bland.

An Act to repeal sections 408.140 and 408.330, RSMo, relating to penalties on late payments for certain credit transactions, and to enact in lieu thereof two new sections relating to the same subject.

SB 139-By Bland.

An Act to repeal section 453.325, RSMo, relating to the grandparents as foster parents program, and to enact in lieu thereof one new section relating to the same subject.

SB 140-By Bland.

An Act to repeal sections 143.191, 143.201, 143.211, 143.221, and 143.241, RSMo, relating to the establishment of a general assembly scholarship program, and to enact in lieu thereof eighteen new sections relating to the same subject, with an effective date.

SB 141-By Gross.

An Act to repeal section 135.350, RSMo, relating to low income housing projects, and to enact in lieu thereof one new section relating to the same subject.

SB 142-By Goode and Days.

An Act to repeal sections 88.010, 88.013, 88.027, 88.030, 88.040, 88.043, 88.047, 88.050, 88.053, 88.057, 88.060, 88.063, and 88.073, RSMo, and to enact in lieu thereof thirty new sections relating to condemnation proceedings for towns and villages.

SB 143-By Goode.

An Act to repeal section 21.250, RSMo, relating to powers of the general assembly, and to enact in lieu thereof one new section relating to the same subject.

SB 144-By Goode.

An Act to repeal sections 610.010, 610.015, 610.021, 610.022, 610.026, and 610.027, RSMo, relating to the sunshine law, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

SB 145-By Bland.

An Act to repeal section 590.650, RSMo, relating to law enforcement practices, and to enact in lieu thereof one new section relating to the same subject.

SB 146-By Bland.

An Act to repeal sections 376.810, 376.811, 376.814, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, and 376.840, RSMo, and to enact in lieu thereof three new sections relating to insurance coverage for mental health.

SB 147-By Bland.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to nursing homes.

SB 148-By Goode.

An Act to repeal section 304.010, RSMo, relating to maximum speed limits, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 149-By Bland.

An Act to repeal sections 329.010, 329.040, and 329.050, RSMo, and to enact in lieu thereof three new sections relating to the licensing of braiders.

SB 150-By Bland.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to educational programs.

SB 151-By Bland.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to economic development in certain economically depressed areas.

SB 152-By Bland.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to firearms and other weapons.

SB 153-By Bland.

An Act to amend chapter 215, RSMo, by adding thereto one new section relating to the Missouri housing development commission.

SB 154-By Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health carriers.

SB 155-By Bland.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to state historic sites, with an emergency clause.

SB 156-By Bland.

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof one new section relating to waste tires, with a termination date.

SB 157-By Bland.

An Act to repeal sections 374.700, 374.705, 374.710, 374.715, 374.720, 374.725, 374.730, 374.735, and 374.740, RSMo, and to enact in lieu thereof ten new sections relating to the licensing of surety recovery agents.

SB 158-By Bland.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to the creation of the state board of public records.

SB 159-By Bland.

An Act to repeal section 161.102, RSMo, and to enact in lieu thereof one new section relating to the coordination of school health programs.

SB 160-By Bland.

An Act to repeal section 557.035, RSMo, relating to hate crimes, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 161-By Bland.

An Act to repeal sections 577.001 and 577.049, RSMo, relating to boating while intoxicated, and to enact in lieu thereof three new sections relating to the same subject.

SB 162-By Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to mandatory coverage for hospital stays following surgery.

SB 163-By Bland.

An Act to repeal sections 302.010, 302.130, 302.171, and 302.181, RSMo, and to enact in lieu thereof six new sections relating to drivers' licenses.

SB 164-By Bland.

An Act to repeal section 577.017, RSMo, relating to alcohol-related traffic offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 165-By Bland.

An Act to repeal sections 33.750, 33.752, 33.753, 33.756, 67.653, 70.379, 92.418, and 643.310, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri minority business advocacy commission.

SB 166-By Bland.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the establishment of a needle exchange program.

SB 167-By Russell.

An Act to repeal sections 115.531 and 115.575, RSMo, relating to election contests for the office of circuit or associate circuit judge, and to enact in lieu thereof two new sections relating to the same subject.

SB 168-By Quick.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to public safety officer death benefits.

SB 169-By Quick.

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections for the purpose of repealing the death penalty, with penalty provisions.

SB 170-By Quick.

An Act to repeal sections 476.270 and 483.245, RSMo, relating to compensation of certain county employees, and to enact in lieu thereof two new sections relating to the same subject.

SB 171-By Loudon.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to firefighter special license plates.

SB 172-By Goode.

An Act to repeal sections 99.805, 99.810, and 99.845, RSMo, and to enact in lieu thereof eight new sections relating to tax increment financing, with an effective date.

SB 173-By Quick.

An Act to repeal section 321.120, RSMo, relating to fire protection district directors, and to enact in lieu thereof one new section relating to the same subject.

SB 174-By Childers.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to torts and actions for damages.

SB 175-By Loudon.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a food recovery program.

SB 176-By Wheeler.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to the bureau of communicable disease.

SB 177-By Wheeler.

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to drivers' licenses for certain individuals.

SB 178-By Bland.

An Act to amend chapter 139, RSMo, by adding thereto one new section relating to installment payments of property taxes in certain charter counties.

SB 179-By Bland.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 375.005, and 375.007, RSMo, and to enact in lieu thereof five new sections relating to cancellation of residential insurance policies.

SB 180-By Bland.

An Act to repeal section 105.269, RSMo, and to enact in lieu thereof one new section relating to retired teachers and

administrators in urban school districts.

SB 181-By Cauthorn.

An Act to repeal section 105.005, RSMo, and to enact in lieu thereof one new section relating to state officials and employees compensation.

SB 182-By Cauthorn, Loudon, Gross and Kennedy.

An Act to repeal section 188.039, RSMo, relating to informed consent for abortion, and to enact in lieu thereof two new sections relating to the same subject, with an effective date for a certain section.

SB 183-By Dougherty.

An Act to repeal section 301.140, RSMo, relating to temporary registration permits, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 184-By Bartle.

An Act to amend chapter 43, RSMo, by adding thereto one new section relating to registered sexual offender search on the Internet.

SB 185-By Wheeler.

An Act to amend chapters 192 and 338, RSMo, by adding thereto five new sections relating to mandatory reporting of pharmaceuticals, with penalty provisions.

SB 186-By Cauthorn.

An Act to repeal section 59.041, RSMo, relating to recorders of deeds, and to enact in lieu thereof one new section relating to the same subject.

SB 187-By Yeckel.

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420, and 167.349, RSMo, and to enact in lieu thereof eight new sections relating to charter schools, with an emergency clause for a certain section.

SB 188-By Cauthorn, Dolan, Gross, Klindt and Coleman.

An Act to repeal sections 143.121 and 143.124, RSMo, and to enact in lieu thereof two new sections relating to income taxation, with an effective date.

SB 189-By Loudon.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security.

SB 190-By Loudon.

An Act to repeal sections 288.040 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to employment security.

SB 191-By Bartle.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to human cloning, with penalty provisions.

SB 192-By Loudon.

An Act to amend chapter 541, RSMo, by adding thereto one new section relating to credit card fraud prosecution.

SB 193-By Loudon.

An Act to repeal sections 226.010, 226.200, 226.210, and 226.220, RSMo, and to enact in lieu thereof nine new sections relating to the state highways and transportation commission, with a contingent effective date.

SB 194-By Scott.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to unemployment reimbursement for Indian tribes in compliance with federal mandate.

SB 195-Withdrawn.

SB 196-By Scott.

An Act to repeal section 217.575, RSMo, relating to the vocational enterprises program, and to enact in lieu thereof one new section relating to the same subject.

SB 197-By DePasco.

An Act to repeal sections 144.010, 144.020, 144.030, 144.036, 144.039, 144.041, 144.043, 144.044, 144.045, 144.046, 144.047, 144.048, 144.062, 144.514, 144.517, 144.518, 144.805, 144.809, 144.811, 144.815, 209.255, 306.016, and 313.821, RSMo, relating to sales and use taxes, and to enact in lieu thereof twenty-one new sections relating to the same subject, with a referendum clause and effective dates for certain sections.

SB 198-By Caskey.

An Act to repeal sections 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof three new sections relating to the DNA profiling system, with penalty provisions.

SB 199-By Childers.

An Act to repeal section 48.020, RSMo, relating to classification of counties, and to enact in lieu thereof one new section relating to the same subject.

SB 200-By Bland.

An Act to amend chapter 335, RSMo, by adding thereto two new sections relating to the nurse licensure compact.

SB 201-By Steelman.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to physician contractual relationships.

SB 202-By Childers.

An Act to amend chapter 320, RSMo, by adding thereto one new section relating to access of fire protection entities to a water supply.

SB 203-By Bartle.

An Act to repeal section 536.077, RSMo, and to enact in lieu thereof one new section relating to administrative subpoenas.

SB 204-By Yeckel, Goode and Gross.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to educational service agencies.

SB 205-By Gross and Yeckel.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state aid for public schools.

SB 206-By Champion.

An Act to amend chapter 574, RSMo, by adding thereto one new section relating to obeying the lawful order of a law enforcement officer, with a penalty provision.

SB 207-By Mathewson.

An Act to repeal section 407.735, RSMo, and to enact in lieu thereof one new section relating to rental vehicle damage claims.

SB 208-By Mathewson.

An Act to repeal section 301.566, RSMo, relating to recreational vehicle shows at the Missouri state fairgrounds, and to enact in lieu thereof one new section relating to the same subject.

SB 209-By Steelman, Foster and Dolan.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to reimbursement of nursing homes, with an effective date.

SB 210-By Steelman.

An Act to repeal section 487.020, RSMo, and to enact in lieu thereof one new section relating to family courts.

SB 211-By Cauthorn.

An Act to repeal section 217.195, RSMo, and to enact in lieu thereof one new section relating to sales taxes on certain items sold by canteens or commissaries.

SB 212-By Bartle.

An Act to repeal sections 86.370, 86.398, 86.447, 86.600, 86.671, and 86.745, RSMo, and to enact in lieu thereof eight new sections relating to police relief and pension systems.

SB 213-By Bartle.

An Act to repeal supreme court rule 52.08, relating to interlocutory appeals in class actions, and to enact in lieu thereof one new supreme court rule relating to the same subject.

SB 214-By Bartle.

An Act to repeal sections 488.032 and 491.280, RSMo, and to enact in lieu thereof two new sections relating to witness fees.

SB 215-By Foster.

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to transfers from the

incidental fund.

SB 216-By Foster.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 217-By Champion and Clemens.

An Act to repeal section 174.020, RSMo, and to enact in lieu thereof one new section relating to names of state colleges.

SB 218-By Goode, Bray, Days and Kennedy.

An Act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed by municipalities to repair lateral sewer service lines.

SB 219-By Steelman.

An Act to amend chapter 42, RSMo, by adding thereto four new sections relating to the Korean conflict medallion program.

SB 220-By Bartle.

An Act to repeal sections 86.393, 86.407, and 86.720, RSMo, and to enact in lieu thereof five new sections relating to police relief and pension systems.

SB 221-By Steelman and Gross.

An Act to repeal section 386.020, RSMo, and to enact in lieu thereof two new sections relating to broadband Internet service.

SB 222-By Steelman, Foster and Cauthorn.

An Act to repeal sections 50.550, 558.019, and 559.021, RSMo, and to enact in lieu thereof four new sections relating to county crime reduction funds, with penalty provisions.

SB 223-By Foster.

An Act to repeal sections 343.010, 343.030, 343.040, 343.050, 343.060, 343.070, 343.080, 343.090, 343.100, and 343.250, RSMo, and to enact in lieu thereof twenty new sections relating to licensing of auctioneers, with penalty provisions.

SB 224-By Vogel.

An Act to authorize the conveyance of property owned by the state in the County of Callaway to the City of Fulton, with an emergency clause.

SB 225-By Klindt, Loudon, Dougherty and Kennedy.

An Act to amend chapter 209, RSMo, by adding thereto ten new sections relating to rights of persons with service animals, with penalty provisions and a severability clause.

SB 226-By Klindt and Cauthorn.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear, with penalty provisions.

SB 227-By Cauthorn.

An Act to repeal section 304.010, RSMo, and to enact in lieu thereof one new section relating to county road speed limits, with penalty provisions.

SB 228-By Griesheimer.

An Act to repeal section 67.1360, RSMo, relating to tourism taxes, and to enact in lieu thereof one new section relating to the same subject.

SJR 1-By Bland.

Joint Resolution to ratify a proposed amendment to the Constitution of the United States.

SJR 2-By Bland.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 16, 17, 18, 18(e), 19, and 20 of article X of the Constitution of Missouri relating to certain constitutional provisions limiting state revenues and state tax increases and adopting one new section in lieu thereof relating to the same subject.

SJR 3-By Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri relating to taxation of veterans' organizations, and adopting one new section in lieu thereof relating to the same subject.

SJR 4-By Cauthorn.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article IX of the Constitution of Missouri relating to transportation of elementary and secondary school students, and adopting one new section in lieu thereof relating to the same subject.

SJR 5-By Bland.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18 of article X of the Constitution of Missouri relating to limitation on state revenues, and adopting one new section in lieu thereof relating to the same subject.

SJR 6-By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 29 of article IV of the Constitution of Missouri relating to the department of transportation, and adopting one new section in lieu thereof relating to the same subject.

SJR 7-By Loudon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri relating to powers and duties of the state highway and transportation commission, and adopting two new sections in lieu thereof relating to the same subject.

SJR 8-By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article IV of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

SJR 9-By Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article IX of the Constitution of Missouri relating to the distribution of state moneys.

SJR 10-By Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article I of the Constitution of Missouri, relating to the distribution of state moneys and adopting one new section in lieu thereof relating to the same subject.

SJR 11-By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 7, and 9, of article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the number of members of the general assembly.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 229-By Bray.

An Act to repeal sections 135.400, 135.403, 135.408, 135.411, 135.423, 135.530, 348.300 and 348.302, RSMo, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session, RSMo, and to enact in lieu thereof nine new sections relating to tax relief in distressed communities, with an emergency clause.

SB 230-By Bray.

An Act to repeal sections 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, and 238.236, RSMo, and to enact in lieu thereof seven new sections relating to transportation development districts.

SB 231-By Caskey.

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to mandatory electronic recording of custodial interrogations.

SJR 12-By Mathewson and Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, by adding thereto one new section relating to transportation funding, with a contingent termination date.

CONCURRENT RESOLUTIONS

Senators Gross, Klindt, Steelman, Vogel, Mathewson, Goode and Kennedy offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 1

Rejecting the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, in November 1994, the people of Missouri established in the Missouri Constitution an independent citizen's commission that was

given primary responsibility to establish a schedule of compensation for public officials based upon a review and study of the duties of elected state officials, judges and members of the General Assembly; and

WHEREAS, the Commission has faithfully undertaken its responsibility and submitted a compensation schedule that provides for an increase in compensation for the affected public officials in the amount of 5.8% and an increase for judges in the amount of \$6,000 per year; and

WHEREAS, the percentage increase recommended by the Citizen's Commission on Compensation for Elected Officials was based upon recommendations made by the Personnel Advisory Board and the Missouri Commission on Total Compensation for all state employees for fiscal year 2004; and

WHEREAS, the Citizen's Commission report makes clear that the Commission intended public officials should be treated the same as all other state employees; and

WHEREAS, the increases ultimately adopted for all state employees may well not be those recommended by the Commission when its schedule was approved and filed; and

WHEREAS, the General Assembly believes that public officials and judges should not receive any cost-of-living increase in compensation, if at all, in excess of the average salary adjustment provided to other state employees; and

WHEREAS, the Missouri Constitution clearly provides that the recommendations of the Commission are subject to appropriations, and therefor may be reduced or rejected by the General Assembly and no increase shall take effect unless and until appropriated:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the First Regular Session of the Ninety-second General Assembly, the House of Representatives concurring therein, that we hereby reject the Compensation Schedule of the 2002 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials dated, November 27, 2002.

Read 1st time.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 3, regarding Aaron J. Henderson, Shiloh, Illinois, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Russell.

RESOLUTIONS

Senator Kinder offered the following resolution:

SENATE RESOLUTION NO. 4

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-seventh District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule changes:

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, First Regular Session, that Rules 25, 28, and 49 of the temporary Senate Rules be amended to read as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families [and], Mental **and Public** Health, 9 members.
3. Committee on Agriculture, Conservation, Parks and [Tourism] **Natural Resources**, [9] **10** members.

4. Committee on Appropriations, 13 members.

5. [Committee on Civil and Criminal Jurisprudence, 9 members.

6.] Committee on Commerce and **the** Environment, [9] **10** members.

6. Committee on Economic Development, Tourism and Local Government, 9 members.

7. Committee on Education, [11] **12** members.

8. Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, [9] **10** members.

9. Committee on Governmental Accountability and Fiscal Oversight, 9 members.

[9.] **10.** Committee on Gubernatorial Appointments, 9 members.

[10. Committee on Insurance and Housing, 9 members.

11. Committee on Interstate Cooperation, 5 members.

12.] **11.** Committee on **the** Judiciary **and Civil and Criminal Jurisprudence**, [7] **9** members.

[13. Committee on Labor and Industrial Relations, 7 members.

14. Committee on Local Government and Economic Development, 9 members.

15.] **12.** Committee on Legislative Research (statutory), 10 members.

[16.] **13.** Committee on Pensions and General Laws, [9] **8** members.

[17. Committee on Public Health and Welfare, 7 members.

18.] **14.** Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.

15. Committee on Small Business, Insurance and Industrial Relations, 12 members.

[19. Committee on State Budget Control, 9 members.

20.] **16.** Committee on Transportation, [9] **11** members.

[21.] **17.** Committee on Ways and Means, [9] **7** members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families [and], Mental **and Public Health** shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and [children] **children's** issues, mental health, mental retardation and developmental disabilities. **It shall also consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operations and alternative state health care proposals.**

3. The Committee on Agriculture, Conservation, Parks and [Tourism] **Natural Resources** shall consider all questions and report on all bills, resolutions, **regulatory matters**, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife[,] **and** game refuges[, and tourism and the promotion of tourism as a state industry].

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. [The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

6.] The Committee on Commerce and **the Environment** shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce [and], the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

6. The Committee on Economic Development, Tourism and Local Government shall consider all questions and report on all bills referred to it relating to the promotion of economic development, tourism and the promotion of tourism as a state industry, community and business development, county government, township organizations and political subdivisions.

7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

8. The Committee on Financial and Governmental Organization, Veterans' Affairs and Elections shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to election law and to military organizations and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

9. The Committee on Governmental Accountability and Fiscal Oversight shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Governmental Accountability and Fiscal Oversight. The author or first-named sponsor of a bill referred to the Committee on Governmental Accountability and Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Governmental Accountability and Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee. The committee shall also hear all bills referred to it relating to budget reform, governmental efficiency and management and shall review instances of government waste, fraud and abuse.

[9.] **10.** The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

[10. The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

11. The Committee on Interstate Cooperation shall consider all matters and examine and report on all bills and other matters referred to it which relate to interstate problems and cooperation.

12.] **11.** The Committee on **the Judiciary and Civil and Criminal Jurisprudence** shall consider all questions and bills relating to the judicial department of the state[,] **including civil procedure and the criminal laws of this state, criminal costs and all related matters; and shall** examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation. **The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.**

[13. The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

14. The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.

15.] **12.** The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

[16.] **13.** The Committee on Pensions and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.

[17. The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

18.] **14.** The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

15. The Committee on Small Business, Insurance and Industrial Relations shall take into consideration all matters referred to it relating to the ownership and operation of small businesses; life, accident, indemnity and other forms of insurance; and all matters relating to urban renewal and housing. The committee shall also take into consideration and report on all bills relating to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

[19. The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

20.] **16.** The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

[21.] **17.** The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.

Rule 49. **Up to** one thousand copies of all bills and joint resolutions shall be printed after their first reading and before a second reading is permitted, unless otherwise ordered. Bills and resolutions for the senate shall be printed in pamphlet form, as for the last and previous sessions, in page size eight and one-half by eleven inches. A copy of the printed bill shall be attached to the original bill when it is referred to committee, and thereafter the original and the printed copy thereof shall be kept together. The bill shall not be re-typed, but upon perfection a printed copy of the bill with all amendments or substitutes adopted incorporated shall be attached to the original bill. Upon final passage by the senate, the original, with a printed copy of the bill as perfected attached thereto, shall be transmitted to the house. Upon final passage by both houses the bill shall be printed as truly agreed and finally passed, shall be signed by the presiding officers in printed form, and shall be presented to the governor in printed form with appropriate spaces for signatures, and such printed bill, appropriately signed, shall constitute the original roll for the bill."; and

BE IT FURTHER RESOLVED that the temporary rules with the above amendments be adopted as the permanent rules of the Missouri Senate for the First Regular Session of the 92nd General Assembly.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 232-By Cauthorn.

An Act to authorize the conveyance of property at Thousand Hills State Park.

INTRODUCTIONS OF GUESTS

Senator Dougherty introduced to the Senate, his wife, Bev; their daughters, Liz, Bridget and Erica; their granddaughter, Dana McFarlane; and Harold Brown and Jake Green, St. Louis; Becka McCarrie, Philadelphia, Pennsylvania; and Jamie Sawyer, New Jersey.

Senator Klindt introduced to the Senate, his father, John; and his brother, Dan, Jefferson City.

Senator Steelman introduced to the Senate, her husband, David; and their children, Joe, Sam and Michael, Rolla; and her parents, John L. and Jackie Hearne, Jefferson City.

Senator Bartle introduced to the Senate, his mother and father, Vince and Kay Bartle, Chesterfield; and his wife, Annette and their children, Mack and Betsy, Lee's Summit.

Senator Goode introduced to the Senate, his wife, Jane, St. Louis; and their son and his family, Peter W. Goode, III, Jeni Rose, Beverly Anne and Carolyn Rose, Jefferson City; and Beverly Anne and Carolyn Rose were made honorary pages.

Senator Scott introduced to the Senate, his wife, Donna; and his father, Donovan Scott, Lowry City; his son, Todd, Columbia; his son, Timothy, El Dorado Springs; his brother, Gilbert Scott, Springfield; his sister, Carolyn Lawrence and her daughter, Lori, Hudson, Ohio; and eighteen students from El Dorado Springs Christian School, El Dorado Springs.

Senator Shields introduced to the Senate, his wife, Brenda, and their sons, Brandt and Bryce, St. Joseph; his parents, Charles and Rosalie Shields, Independence; his mother-in-law, Mary Brandt, Belton; Dr. Michael, Jean and Megan Pfander, Springfield; and Christy, Joseph and Richard Barker, St. Joseph.

Senator Griesheimer introduced to the Senate, his wife, Rita, their daughter, Michelle, and their sons, Sean and Aaron; and Loretta, Jerome and Kathy Maune, Washington.

Senator Days introduced to the Senate, her mother, Juliette Heard, Minden, Louisiana; and Joyce Byrd Spiller, Melanie Cannon, Michael Johnson, Jerry Daniels, and Eddie and Lizzie Stallings, St. Louis.

Senator Bray introduced to the Senate, her husband, Carl Hoagland, St. Louis; and her mother, Mary Bray, Lubbock, Texas.

Senator Vogel introduced to the Senate, his mother, Rose Mary Vogel; his wife, Kim; their son, Jake; their daughter, Kristen; and Rose Mengwasser, Emily Talken and Edith Vogel, Jefferson City.

Senator Champion introduced to the Senate, her mother, Bea Black, her sister, Sharon and Pat Winn, St. Louis; Mavis Busiek and Ann and Larry Russell, Springfield; and Ron Mark, Republic.

Senator Cauthorn introduced to the Senate, his wife, Teresa, Mexico; and their daughter, Elizabeth Sietkas, Columbia.

Senator Foster introduced to the Senate, Bob and Yvonne Keathley, Bernie.

Senator Clemens introduced to the Senate, his mother, Lois Clemens, Marshfield; his daughter, Kim Green, Springfield; and his sister, Becky Greer, Bethany, Oklahoma.

Senator Dolan introduced to the Senate, his wife, Leanne, and their children, Hannah and Jonathan C. Dolan, Lake St. Louis; Ernie and Diane Arteaga, New Melle; Julie Eckstein, St. Charles; and Lou Dolan, Los Angeles, California.

On behalf of Senator Kinder and himself, Senator Dolan introduced to the Senate, Rodney Richardet, Perryville.

Senator Nodler introduced to the Senate, his mother, Beatrice Nodler; his brother, Charles Nodler; and his mother and father-in-law, Millie and Everett Edwards, Neosho; his wife, Joncee; their son, Justin; and their granddaughter, Rachel, Joplin.

Senator Jacob introduced to the Senate, former State Representative Margot Patterson Lubensky and her husband Earl, Columbia.

Senator Wheeler introduced to the Senate, Mark Savoy, Charles Lavolle Wheeler and Marion Wheeler, Kansas City.

Senator Coleman introduced to the Senate, her daughter, Alaina Coleman, St. Louis.

Senator Gibbons introduced to the Senate, his wife, Liz; their children, Danny O'Neill and Meredith; and his father and mother, Michael and Folsta Sara Gibbons, Kirkwood.

Senator Yeckel introduced to the Senate, her husband, Bob; former State Senator Irene Treppler and her husband, Walter; and Katy, Kathy and Dr. Joe Forand, St. Louis County.

Senator Childers introduced to the Senate, his wife, Sue, Reeds Spring.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Jim Gibbons and his wife, Rita, St. Louis.

On behalf of Senator Kinder, the President introduced to the Senate, Melanie Moore, St. Louis; and his mother, Mary Frances Hunter Kinder; his brother, Frank Kinder, and his cousin, Sally Hunter Williams, Cape Girardeau.

Senator Kinder introduced to the Senate, Mike Uhls, Dr. Bill Kapp and Dave Teubner, Cape Girardeau.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY-THURSDAY, JANUARY 9, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Russell

SB 2-Russell

SB 3-Russell

SB 4-Caskey and Russell

SB 5-Caskey

SB 6-Caskey

SB 7-Mathewson

SB 8-Goode and Stoll

SB 9-Goode and Dougherty

SB 10-Goode and Steelman

SB 11-Kinder

SB 12-Kinder

SB 13-Kinder

SB 14-DePasco

SB 15-Childers

SB 16-Childers

SB 17-Childers

SB 18-Yeckel and Cauthorn

SB 19-Yeckel and Cauthorn

SB 20-Yeckel

SB 21-Bland

SB 22-Bland

SB 23-Bland

SB 24-Steelman

SB 25-Steelman

SB 26-Steelman

SB 27-Gibbons

SB 28-Gross

SB 29-Gross

SB 30-Gross, et al

SB 31-Foster

SB 32-Foster

SB 33-Loudon and Scott

SB 34-Loudon

SB 35-Loudon

SB 36-Klindt and Cauthorn

SB 37-Klindt and Kinder

SB 38-Klindt, et al

SB 39-Cauthorn, et al

SB 40-Cauthorn, et al

SB 41-Cauthorn and Klindt

SB 42-Dougherty

SB 43-Dougherty

SB 44-Dougherty

SB 45-Kennedy

SB 46-Kennedy

SB 47-Kennedy

SB 48-Coleman

SB 49-Coleman

SB 50-Coleman

SB 51-Shields

SB 52-Shields

SB 53-Shields and Nodler

SB 54-Griesheimer

SB 55-Nodler

SB 56-Nodler

SB 57-Nodler

SB 58-Russell

SB 59-Russell

SB 60-Russell

SB 61-Caskey

SB 62-Caskey

SB 63-Caskey

SB 64-Goode and Gross

SB 65-Goode and Gross

SB 67-Childers

SB 68-Childers

SB 69-Yeckel

SB 70-Yeckel

SB 71-Yeckel

SB 72-Bland

SB 73-Bland

SB 74-Bland

SB 75-Steelman

SB 76-Gross

SB 77-Gross

SB 78-Gross

SB 79-Loudon

SB 80-Loudon

SB 81-Loudon

SB 82-Klindt

SB 83-Cauthorn, et al

SB 84-Cauthorn and Klindt

SB 85-Dougherty

SB 86-Dougherty

SB 87-Dougherty

SB 88-Kennedy

SB 89-Kennedy

SB 90-Kennedy

SB 91-Coleman

SB 92-Coleman

SB 93-Shields

SB 94-Shields

SB 95-Shields

SB 96-Russell

SB 97-Russell

SB 98-Russell

SB 99-Caskey

SB 100-Caskey

SB 101-Caskey

SB 102-Goode

SB 103-Goode

SB 104-Goode and

Dougherty

SB 105-Bland

SB 106-Bland

SB 107-Bland

SB 108-Gross

SB 109-Gross

SB 110-Gross, et al

SB 111-Loudon

SB 112-Loudon

SB 113-Loudon

SB 114-Dougherty

SB 115-Dougherty

SB 116-Shields and Gross

SB 117-Shields

SB 118-Shields

SB 119-Russell

SB 120-Caskey

SB 121-Caskey

SB 122-Caskey

SB 123-Goode

SB 124-Goode

SB 125-Goode

SB 126-Bland

SB 127-Bland

SB 128-Bland

SB 129-Gross

SB 130-Gross

SB 131-Gross

SB 132-Loudon

SB 133-Loudon

SB 134-Loudon

SB 135-Goode

SB 136-Goode

SB 137-Goode

SB 138-Bland

SB 139-Bland

SB 140-Bland

SB 141-Gross

SB 142-Goode & Days

SB 143-Goode

SB 144-Goode

SB 145-Bland

SB 146-Bland

SB 147-Bland

SB 148-Goode

SB 149-Bland

SB 150-Bland

SB 151-Bland

SB 152-Bland

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Bland

SB 157-Bland

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Russell

SB 168-Quick

SB 169-Quick

SB 170-Quick

SB 171-Loudon

SB 172-Goode

SB 173-Quick

SB 174-Childers

SB 175-Loudon

SB 176-Wheeler

SB 177-Wheeler

SB 178-Bland

SB 179-Bland

SB 180-Bland

SB 181-Cauthorn

SB 182-Cauthorn, et al

SB 183-Dougherty

SB 184-Bartle

SB 185-Wheeler

SB 186-Cauthorn

SB 187-Yeckel

SB 188-Cauthorn, et al

SB 189-Loudon

SB 190-Loudon

SB 191-Bartle

SB 192-Loudon

SB 193-Loudon

SB 194-Scott

SB 196-Scott

SB 197-DePasco

SB 198-Caskey

SB 199-Childers

SB 200-Bland

SB 201-Steelman

SB 202-Childers

SB 203-Bartle

SB 204-Yeckel, et al

SB 205-Gross and Yeckel

SB 206-Champion

SB 207-Mathewson

SB 208-Mathewson

SB 209-Steelman, et al

SB 210-Steelman

SB 211-Cauthorn

SB 212-Bartle

SB 213-Bartle

SB 214-Bartle

SB 215-Foster

SB 216-Foster

SB 217-Champion and Clemens

SB 218-Goode, et al

SB 219-Steelman

SB 220-Bartle

SB 221-Steelman and Gross

SB 222-Steelman, et al

SB 223-Foster

SB 224-Vogel

SB 225-Klindt, et al

SB 226-Klindt and Cauthorn

SB 227-Cauthorn

SB 228-Griesheimer

SB 229-Bray

SB 230-Bray

SB 231-Caskey

SB 232-Cauthorn

SJR 1-Bland

SJR 2-Bland

SJR 3-Gross

SJR 4-Cauthorn

SJR 5-Bland

SJR 6-Bartle

SJR 7-Loudon

SJR 8-Bartle

SJR 9-Yeckel

SJR 10-Yeckel

SJR 11-Bartle

SJR 12-Mathewson and

Goode

RESOLUTIONS

SR 4-Kinder

HCR 1-Crowell (Gibbons)

HCR 2-Crowell (Gibbons)

To be Referred

SCR 1-Gross, et al

Journal of the Senate

FIRST REGULAR SESSION

SECOND DAY--THURSDAY, JANUARY 9, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"I will remove the heart of stone from their flesh and give them a heart of flesh, so that they may follow my statutes and keep my ordinances and obey them." (Ezekiel 11:19-20)

Gracious God, after the excitement of yesterday we return to our normal lives and homes. Yet may our hearts stir in the joy of our families and our bloods enliven our bodies as we seek Your presence this weekend. And we pray, watch over us in our travels and bless us with Your grace as we abide by Your law. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present for the day's proceedings:

	Present--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	Absent with leave--Senators--None		

RESOLUTIONS

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 5

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated, Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator Loudon offered Senate Resolution No. 6, regarding Scott Gregory Placial, Ballwin, which was adopted.

Senator Kinder moved that **SR 4** be taken up for adoption, which motion prevailed.

Senator Kinder moved that **SR 4** be adopted.

Senator Kinder offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 4 as it appears in the Senate Journal, First Day, January 8, 2003, Page 50, Column 1, Lines 22-23, by deleting all of said lines and inserting in lieu thereof the following: "management."

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Kinder moved that **SR 4**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	DePasco	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

CONCURRENT RESOLUTIONS

Senator Gibbons moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **HCR 1** was adopted by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	DePasco	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel--33

NAYS--Senators--None
Absent--Senator Bland--1
Absent with leave--Senators--None

Senator Gibbons moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **HCR 2** was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	DePasco	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senator Bland--1
Absent with leave--Senators--None

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 233-By Foster.

An Act to repeal sections 169.030, 169.050, 169.056, 169.570, 169.577, 169.620, 169.650, and 169.655, RSMo, and to enact in lieu thereof ten new sections relating to the public school retirement system.

SB 234-By Quick.

An Act to repeal section 64.342, RSMo, and to enact in lieu thereof one new section relating to park concession stands, with an emergency clause.

SB 235-By Quick.

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to local government indebtedness.

SB 236-By DePasco and Loudon.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to memorial for workers.

SB 237-By Russell, Mathewson, Vogel and Scott.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to fishing contests.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder submitted the following committee appointments:

Administration

Kinder, Chair

Gibbons, Vice-chair

Klindt

Jacob

Quick

Gubernatorial Appointments

Kinder, Chair

Gibbons, Vice-chair

Childers

Loudon

Russell

Bland

Coleman

Mathewson

Quick

Rules, Joint Rules, Resolutions and Ethics

Gibbons, Chair

Nodler, Vice-chair

Kinder

Vogel

Jacob

Quick

Mathewson

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on pages 8-33 of the Senate Journal for Wednesday, January 8, 2003, to the Committee on Gubernatorial Appointments.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

SCR 1--Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 7, regarding Cary Ryan Sager, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 8, regarding Daniel William Pierce, Gallatin, which was adopted.

Senator Klindt offered Senate Resolution No. 9, regarding Joseph William Michael, Winston, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

January 9, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Terrorism, Bioterrorism & Homeland Security

Dear Terry:

Pursuant to Section 38.050 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Terrorism, Bioterrorism & Homeland Security:

Senator John Griesheimer, Chairman

Senator Sarah Steelman

Senator Chuck Gross

Senator Jon Dolan

Senator Harold Caskey

Senator Pat Dougherty

Senator Harry Kennedy

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Don Arnold, M.D., St. Louis.

Senator Dolan introduced to the Senate, Mike and Sherry Clynch, Moscow Mills.

Senator Clemens introduced to the Senate, John Kelly, Springfield.

Senator Dougherty introduced to the Senate, Harold Brown, St. Louis.

On motion of Senator Gibbons, the Senate adjourned until 4:00 p.m., Monday, January 13, 2003.

SENATE CALENDAR

THIRD DAY-MONDAY, JANUARY 13, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Russell

SB 2-Russell

SB 3-Russell

SB 4-Caskey and Russell

SB 5-Caskey

SB 6-Caskey

SB 7-Mathewson

SB 8-Goode and Stoll

SB 9-Goode and Dougherty

SB 10-Goode and Steelman

SB 11-Kinder

SB 12-Kinder

SB 13-Kinder

SB 14-DePasco

SB 15-Childers

SB 16-Childers

SB 17-Childers

SB 18-Yeckel and Cauthorn

SB 19-Yeckel and Cauthorn

SB 20-Yeckel

SB 21-Bland

SB 22-Bland

SB 23-Bland

SB 24-Steelman

SB 25-Steelman

SB 26-Steelman

SB 27-Gibbons

SB 28-Gross

SB 29-Gross

SB 30-Gross, et al

SB 31-Foster

SB 32-Foster

SB 33-Loudon and Scott

SB 34-Loudon

SB 35-Loudon

SB 36-Klindt and Cauthorn

SB 37-Klindt and Kinder

SB 38-Klindt, et al

SB 39-Cauthorn, et al

SB 40-Cauthorn, et al

SB 41-Cauthorn and Klindt

SB 42-Dougherty

SB 43-Dougherty

SB 44-Dougherty

SB 45-Kennedy

SB 46-Kennedy

SB 47-Kennedy

SB 48-Coleman

SB 49-Coleman

SB 50-Coleman

SB 51-Shields

SB 52-Shields

SB 53-Shields and Nodler

SB 54-Griesheimer

SB 55-Nodler

SB 56-Nodler

SB 57-Nodler

SB 58-Russell

SB 59-Russell

SB 60-Russell

SB 61-Caskey

SB 62-Caskey

SB 63-Caskey

SB 64-Goode and Gross

SB 65-Goode and Gross

SB 67-Childers

SB 68-Childers

SB 69-Yeckel

SB 70-Yeckel

SB 71-Yeckel

SB 72-Bland

SB 73-Bland

SB 74-Bland

SB 75-Steelman

SB 76-Gross

SB 77-Gross

SB 78-Gross

SB 79-Loudon

SB 80-Loudon

SB 81-Loudon

SB 82-Klindt

SB 83-Cauthorn, et al

SB 84-Cauthorn and Klindt

SB 85-Dougherty

SB 86-Dougherty

SB 87-Dougherty

SB 88-Kennedy

SB 89-Kennedy

SB 90-Kennedy

SB 91-Coleman

SB 92-Coleman

SB 93-Shields

SB 94-Shields

SB 95-Shields

SB 96-Russell

SB 97-Russell

SB 98-Russell

SB 99-Caskey

SB 100-Caskey

SB 101-Caskey

SB 102-Goode

SB 103-Goode

SB 104-Goode and

Dougherty

SB 105-Bland

SB 106-Bland

SB 107-Bland

SB 108-Gross

SB 109-Gross

SB 110-Gross, et al

SB 111-Loudon

SB 112-Loudon

SB 113-Loudon

SB 114-Dougherty

SB 115-Dougherty

SB 116-Shields and Gross

SB 117-Shields

SB 118-Shields

SB 119-Russell

SB 120-Caskey

SB 121-Caskey

SB 122-Caskey

SB 123-Goode

SB 124-Goode

SB 125-Goode

SB 126-Bland

SB 127-Bland

SB 128-Bland

SB 129-Gross

SB 130-Gross

SB 131-Gross

SB 132-Loudon

SB 133-Loudon

SB 134-Loudon

SB 135-Goode

SB 136-Goode

SB 137-Goode

SB 138-Bland

SB 139-Bland

SB 140-Bland

SB 141-Gross

SB 142-Goode and Days

SB 143-Goode

SB 144-Goode

SB 145-Bland

SB 146-Bland

SB 147-Bland

SB 148-Goode

SB 149-Bland

SB 150-Bland

SB 151-Bland

SB 152-Bland

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Bland

SB 157-Bland

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Russell

SB 168-Quick

SB 169-Quick

SB 170-Quick

SB 171-Loudon

SB 172-Goode

SB 173-Quick

SB 174-Childers

SB 175-Loudon

SB 176-Wheeler

SB 177-Wheeler

SB 178-Bland

SB 179-Bland

SB 180-Bland

SB 181-Cauthorn

SB 182-Cauthorn, et al

SB 183-Dougherty

SB 184-Bartle

SB 185-Wheeler

SB 186-Cauthorn

SB 187-Yeckel

SB 188-Cauthorn, et al

SB 189-Loudon

SB 190-Loudon

SB 191-Bartle

SB 192-Loudon

SB 193-Loudon

SB 194-Scott

SB 196-Scott

SB 197-DePasco

SB 198-Caskey

SB 199-Childers

SB 200-Bland

SB 201-Steelman

SB 202-Childers

SB 203-Bartle

SB 204-Yeckel, et al

SB 205-Gross and Yeckel

SB 206-Champion

SB 207-Mathewson

SB 208-Mathewson

SB 209-Steelman, et al

SB 210-Steelman

SB 211-Cauthorn

SB 212-Bartle

SB 213-Bartle

SB 214-Bartle

SB 215-Foster

SB 216-Foster

SB 217-Champion and

Clemens

SB 218-Goode, et al

SB 219-Steelman

SB 220-Bartle

SB 221-Steelman and Gross

SB 222-Steelman, et al

SB 223-Foster

SB 224-Vogel

SB 225-Klindt, et al

SB 226-Klindt and

Cauthorn

SB 227-Cauthorn

SB 228-Griesheimer

SB 229-Bray

SB 230-Bray

SB 231-Caskey

SB 232-Cauthorn

SB 233-Foster

SB 234-Quick

SB 235-Quick

SB 236-DePasco and Loudon

SB 237-Russell, et al

SJR 1-Bland

SJR 2-Bland

SJR 3-Gross

SJR 4-Cauthorn

SJR 5-Bland

SJR 6-Bartle

SJR 7-Loudon

SJR 8-Bartle

SJR 9-Yeckel

SJR 10-Yeckel

SJR 11-Bartle

SJR 12-Mathewson and

Goode

Journal of the Senate

FIRST REGULAR SESSION

THIRD DAY--MONDAY, JANUARY 13, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Common sense in an uncommon degree is what the world calls wisdom." (Coleridge)

Gracious Lord, we work this session, in a time, that will call forth an uncommon degree of common sense. So we ask that You bless us with wisdom that we might begin the tough challenge that confronts us. And we ask please to guide us along the path of righteousness that what we accomplish is in keeping with Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 9, 2003, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 10, regarding Aileen Pippins, Wheatland, which was adopted.

Senator Scott offered Senate Resolution No. 11, regarding the One Hundredth Birthday of Mary Belle Cook, Humansville, which was adopted.

Senator Gibbons offered Senate Resolution No. 12, regarding the Repertory Theatre, St. Louis, which was adopted.

Senator Quick offered Senate Resolution No. 13, regarding Sue E. Merrell, Kansas City, which was adopted.

Senators Wheeler, Bartle, Bland, DePasco, Quick and Caskey offered Senate Resolution No. 14, regarding the death of James H. Hale, Savoy, Texas, which was adopted.

Senator Mathewson offered Senate Resolution No. 15, regarding Peggy Studley, New Franklin, which was adopted.

Senator Mathewson offered Senate Resolution No. 16, regarding Corrections Officer II Bruce Studley, New Franklin, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 238-By Caskey.

An Act to repeal sections 72.080 and 72.130, RSMo, and to enact in lieu thereof two new sections relating to incorporation of cities, with an emergency clause.

SB 239-By Mathewson and Scott.

An Act to authorize the governor to convey a tract of land owned by the state in the county of Pettis to the Sedalia School District Foundation.

SB 240-By Mathewson.

An Act to repeal section 301.4000, RSMo, and to enact in lieu thereof two new sections relating to specialized license plates.

SB 241-By Yeckel.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to police officer residency requirements.

SB 242-By Yeckel.

An Act to amend chapter 512, RSMo, by adding thereto one new section relating to supersedeas bond requirements.

SB 243-By Yeckel.

An Act to amend chapter 37, RSMo, by adding thereto two new sections relating to the creation of the property preservation fund.

SB 244-By Russell and Vogel.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales taxes for financing an exhibition center and recreational facilities.

SB 245-By Shields and Bartle.

An Act to repeal sections 160.534 and 164.303, RSMo, and to enact in lieu thereof three new sections relating to gambling moneys for schools.

SB 246-By Steelman, Gross, Dougherty and Klindt.

An Act to repeal sections 386.120 and 386.210, RSMo, and to enact in lieu thereof three new sections relating to the public service commission.

SB 247-By Dolan.

An Act to repeal sections 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.650, 169.655, and 169.670, RSMo, and to enact in lieu thereof twelve new sections relating to the public school retirement system.

SB 248-By Gross and Goode.

An Act to repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to the administrative law judges and legal advisors retirement system.

Senator Loudon requested unanimous consent of the Senate to withdraw **SB 192**, which request was granted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

J. Richard Franklin, 18005 Cheyenne Drive, Independence, Jackson County, Missouri 64056, as a member of the Board of Trustees Public School Retirement System, for a term ending January 13, 2007, and until his successor is duly appointed and qualified; vice, Lynn Harmon, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carson Ross, 3305 Park Lane, Blue Springs, Jackson County, Missouri 64015, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2004, and until his successor is duly appointed and qualified; vice, Reginald Bassa, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder submitted the following standing committee appointments:

AGING, FAMILIES, MENTAL AND PUBLIC HEALTH

Shields, Chair

Champion, Vice-chair

Clemens

Dolan

Steelman

Bland

Dougherty

Kennedy

Wheeler

AGRICULTURE, CONSERVATION, PARKS AND NATURAL RESOURCES

Klindt, Chair

Cauthorn, Vice-chair

Clemens

Foster

Griesheimer

Scott

Caskey

Coleman

Kennedy

Wheeler

APPROPRIATIONS

Russell, Chair

Gross, Vice-chair

Champion

Childers

Foster

Nodler

Shields

Yeckel

Bland

Bray

Coleman

Dougherty

Goode

COMMERCE AND THE ENVIRONMENT

Steelman, Chair

Griesheimer, Vice-chair

Bartle

Gross

Klindt

Shields

Dougherty

Goode

Mathewson

Stoll

ECONOMIC DEVELOPMENT, TOURISM AND LOCAL GOVERNMENT

Childers, Chair

Griesheimer, Vice-chair

Champion

Nodler

Vogel

Kennedy

Mathewson

Stoll

Wheeler

EDUCATION

Foster, Chair

Shields, Vice-chair

Bartle

Childers

Loudon

Steelman

Yeckel

Caskey

Days

Goode

Jacob

Stoll

FINANCIAL AND GOVERNMENTAL ORGANIZATION, VETERANS' AFFAIRS AND ELECTIONS

Yeckel, Chair

Gross, Vice-chair

Bartle

Dolan

Foster

Scott

Bland

Coleman

Days

Mathewson

GOVERNMENTAL ACCOUNTABILITY AND FISCAL OVERSIGHT

Cauthorn, Chair

Nodler, Vice-chair

Gross

Loudon

Steelman

Goode

Jacob

Mathewson

Quick

JUDICIARY AND CIVIL AND CRIMINAL JURISPRUDENCE

Bartle, Chair

Loudon, Vice-chair

Dolan

Kinder

Yeckel

Caskey

Goode

Jacob

Wheeler

PENSIONS AND GENERAL LAWS

Scott, Chair

Gross, Vice-chair

Clemens

Kinder

Klindt

Jacob

Kennedy

Quick

SMALL BUSINESS, INSURANCE AND INDUSTRIAL RELATIONS

Loudon, Chair

Cauthorn, Vice-chair

Bartle

Clemens

Klindt

Scott

Vogel

Days

DePasco

Dougherty

Kennedy

Stoll

TRANSPORTATION

Dolan, Chair

Scott, Vice-chair

Cauthorn

Griesheimer

Nodler

Russell

Bray

Days

DePasco

Goode

Stoll

WAYS AND MEANS

Vogel, Chair

Clemens, Vice-chair

Cauthorn

Griesheimer

Bray

Caskey

Jacob

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1--Transportation.

SB 2--Small Business, Insurance and Industrial Relations.

SB 3--Economic Development, Tourism and Local Government.

SB 4--Transportation.

SB 5--Judiciary and Civil and Criminal Jurisprudence.

SB 6--Judiciary and Civil and Criminal Jurisprudence.

SB 7--Economic Development, Tourism and Local Government.

SB 8--Ways and Means.

SB 9--Transportation.

SB 10--Commerce and the Environment.

SB 11--Ways and Means.

SB 12--Pensions and General Laws.

SB 13--Judiciary and Civil and Criminal Jurisprudence.

SB 14--Economic Development, Tourism and Local Government.

SB 16--Economic Development, Tourism and Local Government.

SB 18--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 19--Ways and Means.

SB 20--Ways and Means.

SB 21--Judiciary and Civil and Criminal Jurisprudence.

SB 22--Judiciary and Civil and Criminal Jurisprudence.

SB 23--Small Business, Insurance and Industrial Relations.

SB 24--Aging, Families, Mental and Public Health.

SB 25--Commerce and the Environment.

SB 26--Ways and Means.

SB 27--Ways and Means.

SB 28--Governmental Accountability and Fiscal Oversight.

SB 29--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 30--Pensions and General Laws.

SB 31--Education.

SB 32--Small Business, Insurance and In-dustrial Relations.

SB 33--Small Business, Insurance and In-dustrial Relations.

SB 34--Judiciary and Civil and Criminal Jurisprudence.

SB 36--Agriculture, Conservation, Parks and Natural Resources.

SB 37--Pensions and General Laws.

SB 38--Agriculture, Conservation, Parks and Natural Resources.

SB 39--Judiciary and Civil and Criminal Jurisprudence.

SB 40--Governmental Accountability and Fiscal Oversight.

SB 41--Education.

SB 42--Aging, Families, Mental and Public Health.

SB 43--Aging, Families, Mental and Public Health.

SB 45--Aging, Families, Mental and Public Health.

SB 46--Ways and Means.

SB 47--Economic Development, Tourism and Local Government.

SB 48--Small Business, Insurance and Industrial Relations.

SB 49--Judiciary and Civil and Criminal Jurisprudence.

SB 50--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 52--Ways and Means.

SB 54--Commerce and the Environment.

SB 56--Education.

SB 57--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 58--Commerce and the Environment.

SB 59--Judiciary and Civil and Criminal Jurisprudence.

SB 60--Small Business, Insurance and Industrial Relations.

Senator Bray requested unanimous consent of the Senate to withdraw **SB 229**, which requested was granted.

The Senate paused in a moment of silence in recognition of the late Representative David Reynolds.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Samantha Acquisto, Columbia.

Senator Kinder introduced to the Senate, Dr. Dan Obermark, Sikeston.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTH DAY-TUESDAY, JANUARY 14, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 15-Childers

SB 17-Childers

SB 35-Loudon

SB 44-Dougherty

SB 51-Shields

SB 53-Shields and Nodler

SB 55-Nodler

SB 61-Caskey

SB 62-Caskey

SB 63-Caskey

SB 64-Goode and Gross

SB 65-Goode and Gross

SB 67-Childers

SB 68-Childers

SB 69-Yeckel

SB 70-Yeckel

SB 71-Yeckel

SB 72-Bland

SB 73-Bland

SB 74-Bland

SB 75-Steelman and Gross

SB 76-Gross

SB 77-Gross

SB 78-Gross

SB 79-Loudon

SB 80-Loudon

SB 81-Loudon

SB 82-Klindt

SB 83-Cauthorn, et al

SB 84-Cauthorn and Klindt

SB 85-Dougherty

SB 86-Dougherty

SB 87-Dougherty

SB 88-Kennedy

SB 89-Kennedy

SB 90-Kennedy

SB 91-Coleman

SB 92-Coleman

SB 93-Shields

SB 94-Shields

SB 95-Shields

SB 96-Russell

SB 97-Russell

SB 98-Russell

SB 99-Caskey

SB 100-Caskey

SB 101-Caskey

SB 102-Goode

SB 103-Goode

SB 104-Goode and

Dougherty

SB 105-Bland

SB 106-Bland

SB 107-Bland

SB 108-Gross

SB 109-Gross

SB 110-Gross, et al

SB 111-Loudon

SB 112-Loudon

SB 113-Loudon

SB 114-Dougherty

SB 115-Dougherty

SB 116-Shields and Gross

SB 117-Shields

SB 118-Shields

SB 119-Russell

SB 120-Caskey

SB 121-Caskey

SB 122-Caskey

SB 123-Goode

SB 124-Goode

SB 125-Goode

SB 126-Bland

SB 127-Bland

SB 128-Bland

SB 129-Gross

SB 130-Gross

SB 131-Gross

SB 132-Loudon

SB 133-Loudon

SB 134-Loudon

SB 135-Goode

SB 136-Goode

SB 137-Goode

SB 138-Bland

SB 139-Bland

SB 140-Bland

SB 141-Gross

SB 142-Goode and Days

SB 143-Goode

SB 144-Goode

SB 145-Bland

SB 146-Bland

SB 147-Bland

SB 148-Goode

SB 149-Bland

SB 150-Bland

SB 151-Bland

SB 152-Bland

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Bland

SB 157-Bland

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Russell

SB 168-Quick

SB 169-Quick

SB 170-Quick

SB 171-Loudon

SB 172-Goode

SB 173-Quick

SB 174-Childers

SB 175-Loudon

SB 176-Wheeler

SB 177-Wheeler

SB 178-Bland

SB 179-Bland

SB 180-Bland

SB 181-Cauthorn

SB 182-Cauthorn, et al

SB 183-Dougherty

SB 184-Bartle

SB 185-Wheeler

SB 186-Cauthorn

SB 187-Yeckel

SB 188-Cauthorn, et al

SB 189-Loudon

SB 190-Loudon

SB 191-Bartle

SB 193-Loudon

SB 194-Scott

SB 196-Scott

SB 197-DePasco

SB 198-Caskey

SB 199-Childers

SB 200-Bland

SB 201-Steelman

SB 202-Childers

SB 203-Bartle

SB 204-Yeckel, et al

SB 205-Gross and Yeckel

SB 206-Champion

SB 207-Mathewson

SB 208-Mathewson

SB 209-Steelman, et al

SB 210-Steelman

SB 211-Cauthorn

SB 212-Bartle

SB 213-Bartle

SB 214-Bartle

SB 215-Foster

SB 216-Foster

SB 217-Champion and

Clemens

SB 218-Goode, et al

SB 219-Steelman

SB 220-Bartle

SB 221-Steelman and Gross

SB 222-Steelman, et al

SB 223-Foster

SB 224-Vogel

SB 225-Klindt, et al

SB 226-Klindt and

Cauthorn

SB 227-Cauthorn

SB 228-Griesheimer

SB 230-Bray

SB 231-Caskey

SB 232-Cauthorn

SB 233-Foster

SB 234-Quick

SB 235-Quick

SB 236-DePasco and Loudon

SB 237-Russell, et al

SB 238-Caskey

SB 239-Mathewson and

Scott

SB 240-Mathewson

SB 241-Yeckel

SB 242-Yeckel

SB 243-Yeckel

SB 244-Russell and Vogel

SB 245-Shields and Bartle

SB 246-Steelman, et al

SB 247-Dolan

SB 248-Gross and Goode

SJR 1-Bland

SJR 2-Bland

SJR 3-Gross

SJR 4-Cauthorn

SJR 5-Bland

SJR 6-Bartle

SJR 7-Loudon

SJR 8-Bartle

SJR 9-Yeckel

SJR 10-Yeckel

SJR 11-Bartle

SJR 12-Mathewson and

Goode

Journal of the Senate

FIRST REGULAR SESSION

FOURTH DAY--TUESDAY, JANUARY 14, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

Reverend Carl Gauck offered the following prayer:

"Take delight in the Lord and he will give you the desire of your heart." (Psalm 37:4)

Gracious God, tame our appetites for more than we need and shape our desires according to what, in this sparse time, is truly needed. Calm our hearts by the truth of Your promises, O Lord, and we will be delighted and give You thanks with what we are capable of providing. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 17, regarding Dick Walkenbach, Affton, which was adopted.

Senator Yeckel offered Senate Resolution No. 18, regarding the Twentieth Anniversary of the South County Chamber of Commerce, which was adopted.

Senator Yeckel offered Senate Resolution No. 19, regarding Ralph M. Harr, II, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 20, regarding Christine Klinger, Affton, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 249-By Shields.

An Act to repeal sections 135.478, 135.481, 135.484, 135.487, and 135.530, RSMo, and to enact in lieu thereof five new sections relating to tax credits for distressed communities.

SB 250-By Stoll.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a law enforcement sales tax, with an emergency clause.

SB 251-By Childers.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 1**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

REFERRALS

President Pro Tem Kinder referred **SCR 1** to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 252-By Steelman.

An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to water pollution bonds.

SB 253-By Steelman, Kinder, Shields, Bartle and Mathewson.

An Act to amend chapter 99, RSMo, by adding thereto twenty-one new sections relating to Missouri downtown economic stimulus act.

SB 254-By Goode and Mathewson.

An Act to repeal sections 149.015 and 149.160, RSMo, relating to tax on cigarettes and tobacco products, and to enact in lieu thereof two new sections relating to the same subject, with a referendum clause.

SJR 13-By Stoll.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39 (a) of article III of the Constitution of Missouri relating to bingo, and adopting one new section in lieu thereof relating to the same subject.

COMMUNICATIONS

President Pro Tem Kinder submitted the following hearing schedule:

[Committee Schedule](#)

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 62--Economic Development, Tourism and Local Government.

SB 63--Judiciary and Civil and Criminal Jurisprudence.

SB 64--Economic Development, Tourism and Local Government.

SB 67--Education.

SB 69--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 70--Aging, Families, Mental and Public Health.

SB 71--Ways and Means.

SB 72--Education.

SB 73--Aging, Families, Mental and Public Health.

SB 74--Small Business, Insurance and In-dustrial Relations.

SB 75--Aging, Families, Mental and Public Health.

SB 76--Ways and Means.

SB 77--Ways and Means.

SB 78--Pensions and General Laws.

SB 79--Ways and Means.

SB 80--Ways and Means.

SB 81--Small Business, Insurance and In-dustrial Relations.

SB 82--Aging, Families, Mental and Public Health.

SB 85--Aging, Families, Mental and Public Health.

SB 86--Small Business, Insurance and In-dustrial Relations.

SB 87--Aging, Families, Mental and Public Health.

SB 88--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 89--Transportation.

SB 90--Transportation.

SB 92--Small Business, Insurance and Industrial Relations.

SB 93--Ways and Means.

SB 94--Ways and Means.

SB 95--Ways and Means.

SB 96--Small Business, Insurance and Industrial Relations.

SB 97--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 98--Small Business, Insurance and Industrial Relations.

SB 99--Economic Development, Tourism and Local Government.

SB 100--Pensions and General Laws.

SB 101--Economic Development, Tourism and Local Government.

SB 102--Agriculture, Conservation, Parks and Natural Resources.

SB 103--Commerce and the Environment.

SB 105--Judiciary and Civil and Criminal Jurisprudence.

SB 106--Education.

SB 107--Pensions and General Laws.

SB 108--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 109--Commerce and the Environment.

SB 110--Aging, Families, Mental and Public Health.

SB 111--Judiciary and Civil and Criminal Jurisprudence.

SB 112--Aging, Families, Mental and Public Health.

SB 114--Small Business, Insurance and Industrial Relations.

SB 116--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 117--Transportation.

SB 118--Pensions and General Laws.

SB 119--Small Business, Insurance and Industrial Relations.

SB 120--Economic Development, Tourism and Local Government.

SB 121--Economic Development, Tourism and Local Government.

SB 122--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 123--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 124--Ways and Means.

SB 125--Commerce and the Environment.

SB 126--Commerce and the Environment.

SB 127--Commerce and the Environment.

SB 129--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 130--Economic Development, Tourism and Local Government.

SB 131--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 132--Governmental Accountability and Fiscal Oversight.

SB 133--Governmental Accountability and Fiscal Oversight.

SB 134--Transportation.

SB 136--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 137--Small Business, Insurance and In-dustrial Relations.

SB 138--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 139--Ways and Means.

SB 140--Ways and Means.

COMMUNICATIONS

Senator Gibbons submitted the following:

January 14, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted unanimously to approve the 92nd General Assembly's Senate Republican Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Members of the Senate Republican Caucus:

Matt Bartle Peter Kinder

John Cauthorn David Klindt

Norma Champion John Loudon

Doyle Childers Gary Nodler

Dan Clemens John T. Russell

Jon Dolan Delbert Scott

Bill Foster Charles Shields

Michael R. Gibbons Sarah Steelman

John Griesheimer Carl Vogel

Charles Gross Anita Yeckel

Also,

January 14, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted unanimously to approve the 92nd General Assembly's Senate Democrat Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Members of the Senate Democratic Caucus:

Harry Kennedy Pat Dougherty

Maida Coleman Mary Bland

Charles Wheeler Ronnie DePasco

Wayne Goode Rita Days

Ed Quick Ken Jacob

Jim Mathewson Steve Stoll

Joan Bray Harold Caskey

President Pro Tem Kinder submitted the following:

January 13, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to Missouri Ethanol and Other Renewable Fuel Sources Commission

Dear Terry:

Pursuant to Section 414.420, RSMo 2002, I am appointing Senator John Cauthorn to the Missouri Ethanol and Other Renewable Fuel Sources Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

January 13, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to Joint Legislative Committee on Administrative Rules

Dear Terry:

Pursuant to Section 536.037, RSMo 2002, I am appointing Senator Chuck Gross to the Joint Legislative Committee on Administrative Rules to replace Senator David Klindt.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

January 13, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to Joint Legislative Committee on Public Employee Retirement

Dear Terry:

Pursuant to Section 21.553, RSMo, I am appointing Senator Chuck Gross to the Joint Legislative Committee on Public Employee Retirement to serve as Chairman.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

January 13, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to Missouri Tourism Commission

Dear Terry:

Pursuant to Section 620.455, RSMo 2002, I am appointing Senator Chuck Gross to the Missouri Tourism Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Joyce Mackney, Jefferson City; and Reggie McElhannon and Nicole

Thomas, Springfield.

Senator Griesheimer introduced to the Senate, Gina Schutt, Berger.

Senator Russell introduced to the Senate,

former State Senator Danny Staples, Eminence.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH DAY-WEDNESDAY, JANUARY 15, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 15-Childers

SB 17-Childers

SB 35-Loudon

SB 44-Dougherty

SB 51-Shields

SB 53-Shields and Nodler

SB 55-Nodler

SB 61-Caskey

SB 65-Goode and Gross

SB 68-Childers

SB 83-Cauthorn, et al

SB 84-Cauthorn and Klindt

SB 91-Coleman

SB 104-Goode and Dougherty

SB 113-Loudon

SB 115-Dougherty

SB 128-Bland

SB 135-Goode

SB 141-Gross

SB 142-Goode and Days

SB 143-Goode

SB 144-Goode

SB 145-Bland

SB 146-Bland

SB 147-Bland

SB 148-Goode

SB 149-Bland

SB 150-Bland

SB 151-Bland

SB 152-Bland

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Bland

SB 157-Bland

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Russell

SB 168-Quick

SB 169-Quick

SB 170-Quick

SB 171-Loudon

SB 172-Goode

SB 173-Quick

SB 174-Childers

SB 175-Loudon

SB 176-Wheeler

SB 177-Wheeler

SB 178-Bland

SB 179-Bland

SB 180-Bland

SB 181-Cauthorn

SB 182-Cauthorn, et al

SB 183-Dougherty

SB 184-Bartle

SB 185-Wheeler

SB 186-Cauthorn

SB 187-Yeckel

SB 188-Cauthorn, et al

SB 189-Loudon

SB 190-Loudon

SB 191-Bartle

SB 193-Loudon

SB 194-Scott

SB 196-Scott

SB 197-DePasco

SB 198-Caskey

SB 199-Childers

SB 200-Bland

SB 201-Steelman

SB 202-Childers

SB 203-Bartle

SB 204-Yeckel, et al

SB 205-Gross and Yeckel

SB 206-Champion

SB 207-Mathewson

SB 208-Mathewson

SB 209-Steelman, et al

SB 210-Steelman

SB 211-Cauthorn

SB 212-Bartle

SB 213-Bartle

SB 214-Bartle

SB 215-Foster

SB 216-Foster

SB 217-Champion and Clemens

SB 218-Goode, et al

SB 219-Steelman

SB 220-Bartle

SB 221-Steelman and Gross

SB 222-Steelman, et al

SB 223-Foster

SB 224-Vogel

SB 225-Klindt, et al

SB 226-Klindt and Cauthorn

SB 227-Cauthorn

SB 228-Griesheimer

SB 230-Bray

SB 231-Caskey

SB 232-Cauthorn

SB 233-Foster

SB 234-Quick

SB 235-Quick

SB 236-DePasco and Loudon

SB 237-Russell, et al

SB 238-Caskey

SB 239-Mathewson and Scott

SB 240-Mathewson

SB 241-Yeckel

SB 242-Yeckel

SB 243-Yeckel

SB 244-Russell and Vogel

SB 245-Shields and Bartle

SB 246-Steelman, et al

SB 247-Dolan

SB 248-Gross and Goode

SB 249-Shields

SB 250-Stoll

SB 251-Childers

SB 252-Steelman

SB 253-Steelman, et al

SB 254-Goode and

Mathewson

SJR 1-Bland

SJR 2-Bland

SJR 3-Gross

SJR 4-Cauthorn

SJR 5-Bland

SJR 6-Bartle

SJR 7-Loudon

SJR 8-Bartle

SJR 9-Yeckel

SJR 10-Yeckel

SJR 11-Bartle

SJR 12-Mathewson and

Goode

SJR 13-Stoll

RESOLUTIONS

Reported from Committee

SCR 1-Gross, et al

(In GAFO)

Journal of the Senate

FIRST REGULAR SESSION

FIFTH DAY--WEDNESDAY, JANUARY 15, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Inquire first for the word of the Lord." (2 Chronicles 18:4)

Lord God, it is often hard to listen. Our first response to life's ordeals is often to venture out on our own. So we pray open us to first seek Your Word during these difficult times and help us to listen to Your teachings and use them in our work here. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

COMMITTEE APPOINTMENTS

President Pro Tem Kinder submitted the following committee appointments, pursuant to **HCR 1**: Senators Clemens, Dolan, Griesheimer, Klindt, Yeckel, Bland, Coleman, DePasco, Dougherty and Stoll.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to **HCR 1**. Representatives Roark, St. Onge, Behnen, Byrd, Dempsey, Jetton, Bringer, Villa, Curls and Shoemyer.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 21, regarding Kyle Hadley Chenoweth, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 22, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Downey, Hamilton, which was adopted.

Senator Klindt offered Senate Resolution No. 23, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Garrett, Wichita, Kansas, which was adopted.

Senator Steelman offered Senate Resolution No. 24, regarding the Waynesville R-VI School District Board of Education, Waynesville, which was adopted.

Senator Steelman offered Senate Resolution No. 25, regarding Robert Knight, Waynesville, which was adopted.

Senator Klindt offered Senate Resolution No. 26, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leroy Worley, Apache Junction, Arizona, which was adopted.

Senator Wheeler offered Senate Resolution No. 27, regarding Thomas M. Maddox, Kansas City, which was adopted.

Senator Griesheimer offered Senate Resolution No. 28, regarding Joseph Pautler, Union, which was adopted.

Senator Klindt offered Senate Resolution No. 29, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wayne Hoover, Princeton, which was adopted.

Senator Shields offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 30

Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, First Regular Session, that Senate Rule 95 be amended to read as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used by **members of the senate at their desks and by** the press at the press table in the Senate Chamber. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

CONCURRENT RESOLUTIONS

Senator Bland offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 2

WHEREAS, current studies indicate that children left at home alone and unsupervised have lower academic test scores, have higher absentee rates at school, exhibit higher levels of fear, stress, nightmares, loneliness, and boredom, are 1.7 times more likely to use alcohol, and are 1.6 times more likely to smoke cigarettes; and

WHEREAS, recent data shows that violent juvenile crime rates soar and children are most likely to be victims of a violent crime committed by a nonfamily member between the hours of 3 p.m. and 8 p.m., the hours immediately after school; and

WHEREAS, according to the National Center for Juvenile Justice, children are at greater risk of being involved in crime, substance abuse, and teenage pregnancy in the hours after school, especially between the hours of 3 p.m. and 4 p.m.; and

WHEREAS, the most common activity for children after school is watching television, resulting in an average 23 hours of television watching per week; and

WHEREAS, the parents of more than 800,000 Missouri school-age children work outside the home; and

WHEREAS, according to the estimates of the Urban Institute of the United States Census Bureau, at least 7 million and as many as 15 million "latchkey children" return to an empty house on any given afternoon; and

WHEREAS, in the United States, families worry about their children being unsafe and having too much idle, unsupervised time; and

WHEREAS, the United States Departments of Education and Justice report that children in quality out-of-school programs have better academic performance, school attendance, behavior, and greater expectations for the future; and

WHEREAS, children who attend high quality out-of-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct in school compared to their peers who are not in out-of-school programs; and

WHEREAS, children who attend out-of-school programs spend more time in learning opportunities, academic activities, and enrichment activities, and spend less time watching television than their peers; and

WHEREAS, children who attend out-of-school programs miss fewer days of school, have better homework completion, better school behavior, and higher test scores; and

WHEREAS, the United States Congress has recognized the beneficial impact of out-of-school programs to our youth, and has increased the funding of out-of-school programs administered by the Missouri Department of Elementary and Secondary Education; and

WHEREAS, 92% of all Americans believe there should be organized activities for all youth during out-of-school hours; and

WHEREAS, it is estimated that less than 25% of all school-age children attend any out-of-school program, leaving 75% of our youth without a safe, supportive, and enriching environment during the unsupervised hours after the formal school day ends; and

WHEREAS, the Joint Interim Committee on After-School Programs has studied several of the above-mentioned issues during the tenure of the Ninety-first General Assembly and recommends that a similar study committee be established to continue the study during the tenure of the Ninety-second General Assembly;

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate of the Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein,

that the "Joint Legislative Committee on Out-of-School Programs" be created to be comprised of five members of the Senate, appointed by the President Pro Tem of the Senate and the Senate Minority Floor Leader and five members of the House of Representatives, appointed by the Speaker of the House of Representatives and the House Minority Floor Leader; and

BE IT FURTHER RESOLVED that the committee continue and expand the in-depth studies conducted by the prior Joint Interim Committee on After-School Programs and to make a comprehensive analysis of the quantity and quality of Missouri out-of-school programs, including the solicitation of information from appropriate state agencies, public schools, youth development organizations, law enforcement agencies and juvenile officers, youth development and education experts, and the public (including youth) regarding the status of out-of-school programs; and

BE IT FURTHER RESOLVED that the committee, in consultation with the Departments of Elementary and Secondary Education, Social Services, and all other relevant agencies, make recommendations for an efficient and effective development plan to provide the opportunity for every Missouri school-age child to access quality out-of-school programs and design a system to train, mentor, and support out-of-school programs, and thereby guarantee their sustainability; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable, and that the staffs of Senate Research, House Research, and the Committee on Legislative Research provide such legal, research, clerical, technical, and bill drafting services requested by the committee; and

BE IT FURTHER RESOLVED that the General Assembly endorses all of state government to enthusiastically encourage our citizens to engage in innovative out-of-school programs and activities that ensure that all Missouri school-age children are not only safe, but also productive when the school day ends; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the General Assembly by January 1, 2005, and the authority of such committee shall terminate on December 31, 2004, unless reauthorized.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 255-By Kinder.

An Act to repeal section 393.110, RSMo, and to enact in lieu thereof one new section relating to the public service commission's jurisdiction of consumer-owned electric corporations.

SB 256-By Goode, Yeckel, Kennedy, Bray, Days and DePasco.

An Act to repeal section 565.030, RSMo, and to enact in lieu thereof one new section relating to the imposition of the death penalty.

SB 257-By Steelman.

An Act to amend chapter 383, RSMo, by adding thereto nine new sections relating to medical malpractice.

SB 258-By Steelman.

An Act to repeal section 238.230, RSMo, and to enact in lieu thereof one new section relating to transportation development districts.

SB 259-By Steelman.

An Act to repeal section 304.351, RSMo, and to enact in lieu thereof one new section relating to right-of-way at intersections, with penalty provisions.

SB 260-By Stoll and Mathewson.

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to appropriations for community college district maintenance funds.

SB 261-By Clemens.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 262-By Clemens.

An Act to repeal sections 143.121 and 143.124, RSMo, and to enact in lieu thereof two new sections relating to income taxation of certain retirement benefits, with an effective date.

SB 263-By Jacob.

An Act to repeal sections 610.106 and 610.110, RSMo, and to enact in lieu thereof two new sections relating to the closing of criminal records.

SB 264-By Shields.

An Act to repeal section 165.016, RSMo, and to enact in lieu thereof one new section relating to salary compliance.

SB 265-By Shields and Scott.

An Act to repeal sections 161.092 and 168.021, RSMo, and to enact in lieu thereof two new sections relating to certificates of license to teach, with

penalty provisions.

SB 266-By Shields.

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to services for persons with developmental disabilities.

SB 267-By Shields.

An Act to repeal section 160.720, RSMo, and to enact in lieu thereof one new section relating to priority schools.

SB 268-By Loudon and Goode.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to civil actions.

SB 269-By Quick.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a city sales tax for public safety, with an emergency clause.

SB 270-By Foster and Dolan.

An Act to amend chapters 43 and 301, RSMo, by adding thereto two new sections relating to the creation of the highway patrol's trust fund, with an emergency clause.

SB 271-By Jacob.

An Act to repeal sections 142.803, 301.057, 301.265, 302.735, 304.010, and 622.030, RSMo, and to enact in lieu thereof six new sections relating to transportation.

SB 272-By Bland, Shields, Coleman, Wheeler and DePasco.

An Act to repeal sections 135.478 and 135.481, RSMo, and to enact in lieu thereof two new sections relating to tax credits for distressed communities.

SB 273-By Bland, Wheeler and Bray.

An Act to repeal sections 92.402 and 92.418, RSMo, and to enact in lieu thereof two new sections relating to a public mass transportation system sales tax.

SJR 14-By Jacob.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to limitation on state revenues.

Senator Gibbons moved that the Senate recess to repair to the House of Representatives to receive the State of the State address from His Excellency, Governor Bob Holden, which motion prevailed.

JOINT SESSIONThe Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent Senators--None			
Absent with leave--Senators--None			

On roll call the following Representatives were present:

Present--Representatives			
Abel	Adams	Angst	Avery
Baker	Barnitz	Bean	Bearden
Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Bringer

Brooks	Brown	Bruns	Burnett
Byrd	Campbell	Cooper 120	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Curls	Darrough	Daus
Davis 122	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Donnelly	Dougherty
Dusenber	El-Amin	Emery	Engler
Ervin	Fares	Fraser	Goodman
Graham	Green	Guest	Hampton
Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hobbs	Holand	Hoskins
Hubbard	Hunter	Icet	Jackson
Jetton	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly 144	Kelly 36
King	Kratky	Kuessner	Lager
Lembke	LeVota	Liese	Lipke
Lowe	Luetkemeyer	Marsh	May 149
Mayer 159	McKenna	Meiners	Merideth
Miller	Moore	Morris	Muckler
Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Ransdall
Rector	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander
Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker
Shoemyer	Skaggs	Smith 118	Smith 14
Spreng	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Thompson	Threlkeld
Townley	Viebrock	Villa	Vogt
Wagner	Walker	Wallace	Walsh
Walton	Ward	Wasson	Whorton
Wildberger	Willoughby	Wilson 119	Wilson 130
Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Young
Zweifel	Madam Speaker--158		
Absent and Absent with Leave--Representatives			
Carnahan	George	Kingery	Lawson
Reinhart--5			

The Joint Committee appointed to wait upon His Excellency, Governor Bob Holden, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

STATE OF THE STATE ADDRESS

By

Governor Bob Holden

January 15, 2003

Mr. President, Madame Speaker, Mr. President Pro Tem, Distinguished State Officials, Mr. Chief Justice, Honored Members of the Missouri Supreme Court, Members of the 92nd General Assembly, First Lady Lori Hauser Holden, and Citizens of the State of Missouri:

I come before you today, the 15th of January, on the anniversary of the birth of one of our greatest American leaders, Dr. Martin Luther King, Jr.

Had his life not been tragically ended at the age of 39, he would be 74 today.

Yet in that short life span, the words he spoke and the principles he stood for...fought for...and died for...had such an impact that they continue to help chart our course today.

In the face of threats and intimidation that he and other civil rights leaders faced, Dr. King taught us the important lesson of perseverance.

And, he warned us against the temptation of "wallowing in the valley of despair."

He had a Dream...and in spite of seemingly impossible obstacles, he held firm to that Dream.

Today, Dr. King's wisdom and leadership can guide us as we move forward in challenging times.

President Franklin Roosevelt faced such times.

He faced the greatest economic depression this country has ever known, and he taught us that when you lead with "frankness and vigor," you are met with "understanding and support."

Our own Harry Truman faced tough economic times as President.

Yet he offered the American people straight talk and a plan...a plan he called his Fair Deal.

This plan proposed reforms and some tough medicine, but it did not sacrifice the future.

Instead it protected the future by emphasizing education and research.

From these leaders we have learned to have a dream...to have perseverance...to be honest about our situation...and to have a plan to move forward.

Like these leaders, we must overcome the challenges of the present.

We must turn our challenges into opportunities.

Each of you has come here to do your best for your district and the people you represent.

Some of you are returning for your final term as a state senator or state representative.

You have a unique opportunity to offer wisdom, experience, and knowledge to help us meet the most challenging budgetary situation faced by our state since the Great Depression.

Many of you are here for the very first time.

Never before have these chambers had such an influx of new faces.

And for the first time in years, we have a divided government...with one party controlling the executive branch and another controlling the legislature.

Cynics might say that this kind of divided government cannot work.

For the sake of the people of the State of Missouri, I say it must!

I welcome your energy and enthusiasm.

I welcome your new ideas.

To each and every one of you, I want to reiterate what I said November 7th, following your election.

I want to work with anyone--Democrat or Republican, veteran legislator or freshman--who comes here to help move our state forward.

We must all remember why the voters sent us here.

In the weeks ahead, you will hear a lot about bills and amendments, hearings and caucuses, appropriations and withholdings, and thousands of other things.

But at the end of the day, our work isn't about any of that.

Our work is about people.

Our work is about those people back home who have put their trust in us.

This job is about what we can do to help our citizens live decent lives and help our children grow up safe, well educated, and ready to work.

It is about providing jobs for our workers and helping our seniors retire in dignity.

The citizens of Missouri look to us for all these things.

They look to you and me to lead through challenging economic times.

Some may think that we must stop dead in our tracks in our efforts to make Missouri a better place to learn, work, and live. Some may think our days of progress are over.

I reject that!

In tough times, it is more important than ever that we continue to lead and to achieve.

Let's look at all we have accomplished.

In the past two years, we increased funding for education at the elementary and secondary level, while 17 other states chose to cut funding for education.

We've made real progress in our schools.

Reading scores are up.

ACT scores are up.

Our school dropout rate is down.

We have doubled the number of teachers who are nationally board certified.

We've added character education programs and accountability programs.

We now have individual school report cards and parents can go on-line to see how their child's school sizes up.

At our universities, we've increased support for life sciences because we know this is the key to our future knowledge-based economy.

We passed landmark legislation to improve health care for women.

We have continued our MC + for Kids program, providing health care for previously uninsured children.

And we've done something the federal government has failed to do--we passed a prescription drug plan for our seniors.

We've made all these accomplishments while maintaining our Triple A bond rating.

Only seven other states have such a high rating.

This top rating means the financial market has the highest confidence in our management ability.

We were the first state in the nation to create an Office of Homeland Security.

I pulled together leaders from many different professions--health, emergency services, transportation, and law enforcement --to improve security at every level.

Because of their work, we have already seen improvements in communications and law enforcement and emergency response efforts that will serve us well in a variety of situations.

We have accomplished all of these things, while keeping the budget in balance, as our constitution requires.

Now is not the time to turn back.

JOBS AND THE ECONOMY

As we look to the future, our single most important priority can be summed up in one word--"jobs."

We must make every effort both to hold on to our good jobs and to move our state more rapidly into the new "knowledge-based economy" of the future.

As you know, the current national economy has not produced a net gain of even one single job during the last two years.

In fact, there has been a net loss of jobs nationally.

In Missouri we must put together a job stimulus effort that makes the right choices that will pay off for the long term.

I am proposing several actions today to help Missouri hold on to good paying manufacturing jobs and to help our state plan for the future.

First, I am calling for a one-percentage point reduction in the corporate tax rate.

If we make certain all businesses pay their fair share, we can broaden our tax base, and we can provide some stimulus to small businesses and all those good corporate citizens in Missouri who are working hard and paying their fair share.

Reducing the corporate tax rate will provide support for Missouri businesses in a time of economic challenge with the goal of growing the economy and creating jobs.

Second, I want to provide the right incentives to protect the right jobs already in Missouri.

Currently, our economic incentive programs primarily concentrate on attracting new businesses to our state.

We must tailor more of our incentives to retain good companies already in Missouri.

It makes no sense to offer incentives to attract companies to Missouri that provide low paying jobs, while Missouri employers with higher wages may be looking elsewhere.

We will insist these incentives be tied to important capital investments such as retooling or investing in new technologies.

In St. Louis alone, this change would help protect the jobs of about 2,600 people with salaries averaging over \$60,000 a year at the Hazelwood Ford Plant.

Missouri's economic future also depends on a quality total transportation system.

However, the public has expressed a lack of confidence in the current structure, and we cannot address underfunding until we address accountability.

That is why I am proposing a constitutional amendment that would transfer responsibility for managing the department to the Governor, effective 2005.

If we are to move forward on transportation, the public must know whom to hold accountable.

Finally, we must make Missouri a leader in the new "knowledge-based" economy of the future.

The critical foundation of this effort--the key to Missouri's future---is--and must always be--education.

Improving education in our state is the most important step we can take to provide better opportunities for our children and to improve our climate for the knowledge-based economy.

And as we advance to the economy of the future, our investment in higher education becomes even more important.

Investments made in our universities...made when our economy was stronger...were the right investments to make.

Missouri is now poised to move forward in the knowledge-based economy by focusing on innovation and the critical areas of the life sciences, advanced manufacturing, and information technology.

But to quote the Chancellor at the University of Missouri--Columbia, it takes a long time to build up a major research university--one that contributes to our economy and one that competes with other major universities.

And just a short time to tear one down.

Support for our universities is an investment in the jobs of the future.

And that is why I also urge all businesses and corporations in this state to strengthen their commitment to higher education.

Because if you are in business in Missouri, the benefits of a strong higher education system flow directly to you--from the quality of your future workforce to the research that provides advances in agriculture, technology, life sciences, biotechnology, and advanced manufacturing.

I am taking two steps to strengthen the link between our businesses and higher education.

I am appointing a Commission on the Future of Higher Education.

This voluntary commission will make recommendations on how we can find ways to strengthen the link between higher education and economic growth in our state, how we can improve higher education overall in Missouri, and identify any new funding sources for our colleges and universities.

Second, I have called for a new alliance between businesses and our universities.

I have asked leaders in higher education and in the private sector to create the Research Alliance of Missouri to coordinate research and provide more access to technology for Missouri businesses.

They start their work today.

By these two steps, we can better direct and connect higher education and the economy.

We must make our colleges, universities, and technical schools the engines that fuel our economy of the future.

MISSOURI'S CURRENT BUDGET

We must also resolve our budget situation if we are to move our state forward.

Missouri now faces a projected one billion-dollar budget shortfall.

Former Governor Ashcroft's budget director has briefed business leaders in this state to help them better understand the significance of this shortfall.

Perhaps some of you have seen his presentation, in which he points out that only \$6.8 billion of our budget is state general revenue.

The remainder of the budget is federal money earmarked for specific services and dedicated state funds such as money for highways.

This \$6.8 billion is what you and I directly control.

One half of that goes to education--K-12 and higher education.

The other half goes into critical services for the mentally ill, the disadvantaged, and ensuring public safety.

In fact, more than half of the general revenue funded employees in Missouri state government work in our 24-hour institutions ---our prisons, mental health hospitals, veterans homes, and group homes.

A one billion dollar shortfall in a \$6.8 billion budget leaves few good options.

We have a challenge...as do forty-five other states.

Time magazine reports that states are facing the most severe budget crisis since World War II.

Our neighbor Kansas, with a budget about half our size, has a \$1 billion shortfall over two years.

Our neighbor to the East, Illinois, has a \$5 billion deficit.

And California has a \$35 billion shortfall.

These examples are telling evidence of the weakness in our national economy.

But knowing that other states share this dilemma does nothing to solve the problems here.

We have to do that ourselves, and it will take a united, focused effort on the part of those in this room today.

It is time for some plain Missouri talk.

To those who suggest we need to cut spending, let me assure you we have... and we will continue to reduce the size of government.

But if we are to be honest, we must acknowledge that already Missouri ranks near the bottom in per capita spending by state government.

In fact, we are 44th in per capita spending.

And if we are to be honest, we must acknowledge the progress we have already made to streamline government.

During the past two years, my administration has done more to reduce the size of government than any other administration -Democrat or Republican --in recent history.

In two years, we have cut \$900 million from the budget and more than 1,000 state jobs to meet the constitutional obligation of keeping the budget balanced.

Last week I approved additional withholdings just to keep our budget balanced through the end of June.

Because of declining revenue due to the national economy, we still have a shortfall in this year's budget, which ends June 30.

One of your first orders of business in this session must be to approve an appropriation for the securitization of the tobacco settlement.

Without this action, deep cuts in education and other vital services will be necessary.

I trust you will see the wisdom of following through and implementing tobacco securitization, as you overwhelmingly approved it last year.

Despite all these efforts, we still have a one billion dollar shortfall next year.

Today I am announcing my plan to meet both our constitutional responsibility to balance the budget and our civic responsibility to provide for the well being of our citizens.

We have combed the budget...department by department...program by program...line by line...looking for savings.

The actions I am announcing today will bring the total reductions I have had to make to \$1.1 billion.

We are making every appropriate effort to cover next year's shortfall, reduce the size of government, and live within our means.

But, to cover the shortfall in cuts alone would require making one billion dollars in additional reductions.

And would require actions that you and I cannot accept.

Some states already have resorted to such actions.

More than 100 school districts in seven states...states like Arkansas and Colorado--are now shutting down their public schools one day a week.

In California, the Governor has called for reductions in health care spending that will deny service to at least 209,000 needy people.

Kentucky has released 567 prison inmates.

This is a road I am not willing to take.

Members of this General Assembly: we are at a crossroads in this state.

We can take the road of the one billion-dollar cut--which leads us backward.

This road leads to deep cuts in education, massive layoffs, and significant cuts to vital state services.

Or we can take a better road...the road forward.

One that continues our progress to streamline government, but one that protects and maintains critical services and also leads us to a brighter future.

We can take a road that provides better opportunities for our children and the job producing economy of the future.

Today I am calling on you to take the second road by embracing a new budget plan...one I call the Fair Share Plan.

FAIR SHARE BUDGET

I began discussion of this new plan with legislative leaders last September.

Then I went to other locations throughout the state to share my concerns about the budget with our citizens and to seek their input.

Time and time again, these Missourians told me they did not want vital services cut.

And time and time again, they recognized that an investment in education is an investment in jobs.

The people of Missouri have said they want their priorities funded.

Today I come to you with a plan that protects those priorities...one that continues our efforts to reduce the size of government, but one that does not sacrifice our future.

One important element of this Fair Share Budget is to close special interest loopholes that do nothing to grow our economy.

The vast majority of Missouri businesses do not benefit from these special breaks, which create a larger tax burden for the rest of our businesses.

And eliminating them is long overdue.

Some of these loopholes are blatantly unfair and were simply written to carve out breaks for special interests.

Some were well intentioned at one time, but have now outlived their usefulness.

And some were simply bad ideas or poorly written.

Many tax lawyers and accountants have developed a good eye for spotting gray areas of our law.

There's nothing illegal about that.

But I am reminded of W.C. Fields, who once said that his purpose for reading the Bible was to look for loopholes.

Tax advisors for special interests read the law the same way.

We have given them way too much easy reading.

My staff and I have spent the last four months working with business leaders and economists across this state.

Together we have identified a number of loopholes that should be closed.

For example, one of these loopholes allows national franchises to avoid paying corporate income taxes in Missouri by setting up dummy corporations in states that charge no corporate tax.

National franchises get this tax break, while the local hardware stores and corner drugstores pay their fair share.

Twenty-five other states, including our neighbor Illinois, have already closed this loophole, which costs Missouri millions every year.

Another Missouri tax loophole exempts royalties, dividends, and interest income Missouri businesses receive from their out-of-state interests.

This is essentially income that is not taxed anywhere.

This money is generated by corporate activity in our state and should be treated like other Missouri income.

We are the only state in the nation to offer this break, and it is costing us \$31 million every year.

When small Missouri businesses and working families see these perks that have been carved out for a few, their confidence in the fairness of our government is eroded.

They know that special interest tax loopholes are the worst form of wasteful spending.

By making these changes in our laws, we restore equity to our system, and we will generate revenue to allow us to meet our goals for the future.

Closing loopholes will allow us to make the one-percentage point corporate tax rate reduction we need to stimulate our economy.

It does not put an undue burden on any corporation to pay the taxes that most Missouri businesses have been paying all along.

But even when we close these loopholes, we will still be left with a major revenue hole in the budget.

Therefore, I am proposing that we increase the admission fee on gaming boats by \$2.00, raise the gross receipt tax by two percent, and eliminate loss limits.

These steps will protect the school foundation formula from cuts.

I will also seek a cigarette tax dedicated to health care.

But in this proposal, the money will be needed to protect existing health care needs, including health care for our low-income elderly.

I propose these two revenue increases--gaming fees and cigarette taxes--as an alternative to a general tax.

These are optional taxes that most citizens won't have to pay.

Finally I propose a five-percent surcharge on individual income tax on households making more than \$200,000 a year.

This proposal will only affect two percent of Missourians.

Changing our tax structure is never easy.

But responsible leadership demands such action.

My Fair Share Budget guarantees needed revenue but not at the expense of the majority of the working families of Missouri, who already pay their fair share.

If implemented, these actions will prevent deep cuts.

My plan ensures that we continue toward a goal of a leaner state government.

But I do not want it to be a meaner state government.

I know we must make additional savings.

This is one of the toughest budgets that has ever been proposed.

We have made major cuts, and they have been painful.

And we will continue to make cuts.

But we cannot cut and cut alone.

We cannot cut ourselves out of this hole without sacrificing our future and our economy.

We cannot cut ourselves out of this hole without hurting our most vulnerable citizens.

In fact, we must strengthen our resolve to protect our foster care children.

This past fall I ordered an investigation of our foster care program, and as a result, I have ordered a restructuring of the program and several personnel changes.

I have proposed a new children's division in the Department of Social Services and an ombudsman to investigate complaints and monitor children's services.

And the budget I present today prevents cuts in funding for children in state custody.

We must also strengthen our resolve to protect our elderly.

I am proposing tougher laws to protect the elderly in our nursing homes.

This is the opportunity to show our elderly we are on their side.

We must pass the Senior Care and Protection Act.

And we must strengthen our resolve to support another group of good Missourians who deserve our support...our state workers.

Missouri state workers have not had a cost of living pay increase in two years.

Regrettably, our budget crisis means we cannot fund an across the board increase this year.

But my budget does include an early retirement plan for state workers, which would save \$24 million, and allow us to provide a modest increase of \$600 annually to state workers who make less than \$40,000.

This increase would be directed to those on the front line of service.

These are the workers who provide the security in our prisons, the assistance in our schools for the blind and the deaf, and the care in our state hospitals.

Time and time again, I have expressed to them my appreciation.

But praise and thanks do not put food on the table.

As we begin this new 2003 legislative session, I want to again welcome all new legislators of both parties.

I want to reiterate my commitment to work with you to govern our state responsibly.

On the opening day of this legislative session, much attention was given in both chambers to the problems we face as Missourians and much was said about what we want for Missourians.

But not one idea was put forward as to how we achieve these goals.

What Missourians expect from us is neither rhetoric nor a partisan battle over whether we have a revenue problem or a spending problem.

What Missourians expect from us is leadership and solutions.

I come to you today with solutions...solutions that meet our constitutional duty to produce a balanced budget and still preserve the key services Missourians expect state government to provide.

Your responsibility now is to send me a balanced budget.

But let me be clear as this process begins:

I will not sign a budget that cuts one billion dollars.

A budget balanced on the backs of hard working Missouri families is not acceptable.

I will not consider a plan that destroys an opportunity for quality public education for all our children...nor will I tolerate schemes to steal money from our poor schools and our rural schools to fund our richest schools.

I will not sit on the sidelines and let our legislative leaders try to pit higher education against elementary and secondary education.

We are all in this together.

Such actions would violate our duty to our children and their future.

And I will not accept a plan that hurts our working families and turns our back on our most vulnerable--our elderly, our disabled, or our children in foster care.

KEEPING FAITH WITH THE FUTURE

Today I am submitting a Fair Share Budget that provides a solution to our one billion-dollar deficit.

But it requires us to work together with resolve.

This budget requires continued cuts...but not cuts that sacrifice our priorities.

This plan is a solution to our one billion-dollar deficit for fiscal year 2004.

This is a budget that allows us to keep faith with the future.

Our great leaders of the past kept faith with the future.

Dr. King did not wallow in the valley of despair.

Instead he focused on the dream for a better tomorrow.

Harry Truman did not abandon the future.

In fact, it is said that Truman, from the time of his high school graduation, kept in his wallet these lines by the great poet Tennyson:

"For I dipped into the future, far as the human eye could see, saw the Vision of the world...all the wonder that could be."

Our challenges today pale in comparison to those faced by our parents and grandparents--who fought our great wars, survived the Great Depression, and worked long and hard every day of their lives.

They kept faith with the future by investing in education, in the interstate highway system, in engineering and medical research and space exploration.

We have a commitment to our parents...to our children...and our grandchildren.

Our future demands that we embrace the economy of tomorrow by making the right investments now.

As we deal with the realities of today, we must keep our faith with the future.

We must look ahead as far as the eye can see...to find a vision for our state...and all the wonder it can be.

Thank you.

On motion of Senator Gibbons, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Childers.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SCR 1**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

CONCURRENT RESOLUTIONS

Senator Gross moved that **SCR 1** be taken up for 3rd reading and final passage, which motion prevailed.

SCR 1, entitled:

An Act rejecting the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

Was taken up.

On motion of Senator Gross, **SCR 1** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
DePasco	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Gross, title to the concurrent resolution was agreed to.

Senator Gross moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Wheeler requested unanimous consent of the Senate to withdraw **SB 177**, which request was granted.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 31, regarding John Kenneth "Ken" Lyle, Jr., Jefferson City, which was adopted.

Senator Quick offered Senate Resolution No. 32, regarding Gene Schieber, Kansas City, which was adopted.

Senator Bartle offered Senate Resolution No. 33, regarding the birth of Harrison James Willmoth, Lee's Summit, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

January 15, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Second State Capitol Commission

Dear Terry:

Pursuant to Section 8.003, RSMo 2002, I am appointing Senator Carl Vogel to serve as chairman of the Second State Capitol Commission.

Please do not hesitate to contact me if you have further questions.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Gary Brown, Hannibal; Connie and Julie Hale, Mexico; and Steve Shively and Connie Thurman, Monroe City.

Senator Kinder introduced to the Senate, Dr. and Mrs. Ken Dobbins, Cape Girardeau.

Senator Griesheimer introduced to the Senate, Gina Schutt, Berger; and Christopher Sutherland, Warrenton.

Senator Bartle introduced to the Senate, the Physician of the Day, Dr. Fred Hahn, M.D., Independence.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY-THURSDAY, JANUARY 16, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 15-Childers

SB 17-Childers

SB 35-Loudon

SB 44-Dougherty

SB 51-Shields

SB 53-Shields and Nodler

SB 55-Nodler

SB 61-Caskey

SB 65-Goode and Gross

SB 68-Childers

SB 83-Cauthorn, et al

SB 84-Cauthorn and Klindt

SB 91-Coleman

SB 104-Goode and

Dougherty

SB 113-Loudon

SB 115-Dougherty

SB 128-Bland

SB 135-Goode

SB 141-Gross

SB 142-Goode and Days

SB 143-Goode
SB 144-Goode
SB 145-Bland
SB 146-Bland
SB 147-Bland
SB 148-Goode
SB 149-Bland
SB 150-Bland
SB 151-Bland
SB 152-Bland
SB 153-Bland
SB 154-Bland
SB 155-Bland
SB 156-Bland
SB 157-Bland
SB 158-Bland
SB 159-Bland
SB 160-Bland
SB 161-Bland
SB 162-Bland
SB 163-Bland
SB 164-Bland
SB 165-Bland
SB 166-Bland
SB 167-Russell
SB 168-Quick
SB 169-Quick
SB 170-Quick
SB 171-Loudon
SB 172-Goode
SB 173-Quick
SB 174-Childers
SB 175-Loudon
SB 176-Wheeler
SB 178-Bland
SB 179-Bland

SB 180-Bland

SB 181-Cauthorn

SB 182-Cauthorn, et al

SB 183-Dougherty

SB 184-Bartle

SB 185-Wheeler

SB 186-Cauthorn

SB 187-Yeckel

SB 188-Cauthorn, et al

SB 189-Loudon

SB 190-Loudon

SB 191-Bartle

SB 193-Loudon

SB 194-Scott

SB 196-Scott

SB 197-DePasco

SB 198-Caskey

SB 199-Childers

SB 200-Bland

SB 201-Steelman

SB 202-Childers

SB 203-Bartle

SB 204-Yeckel, et al

SB 205-Gross and Yeckel

SB 206-Champion

SB 207-Mathewson

SB 208-Mathewson

SB 209-Steelman, et al

SB 210-Steelman

SB 211-Cauthorn

SB 212-Bartle

SB 213-Bartle

SB 214-Bartle

SB 215-Foster

SB 216-Foster

SB 217-Champion and

Clemens

SB 218-Goode, et al

SB 219-Steelman

SB 220-Bartle

SB 221-Steelman, et al

SB 222-Steelman, et al

SB 223-Foster

SB 224-Vogel

SB 225-Klindt, et al

SB 226-Klindt and

Cauthorn

SB 227-Cauthorn

SB 228-Griesheimer

SB 230-Bray

SB 231-Caskey

SB 232-Cauthorn

SB 233-Foster

SB 234-Quick

SB 235-Quick

SB 236-DePasco and Loudon

SB 237-Russell, et al

SB 238-Caskey

SB 239-Mathewson and Scott

SB 240-Mathewson

SB 241-Yeckel

SB 242-Yeckel

SB 243-Yeckel

SB 244-Russell and Vogel

SB 245-Shields and Bartle

SB 246-Steelman, et al

SB 247-Dolan

SB 248-Gross and Goode

SB 249-Shields and Bland

SB 250-Stoll

SB 251-Childers

SB 252-Steelman

SB 253-Steelman, et al

SB 254-Goode and Mathewson

SB 255-Kinder

SB 256-Goode, et al

SB 257-Steelman

SB 258-Steelman

SB 259-Steelman

SB 260-Stoll and

Mathewson

SB 261-Clemens

SB 262-Clemens

SB 263-Jacob

SB 264-Shields

SB 265-Shields and Scott

SB 266-Shields

SB 267-Shields

SB 268-Loudon and Goode

SB 269-Quick

SB 270-Foster and Dolan

SB 271-Jacob

SB 272-Bland, et al

SB 273-Bland, et al

SJR 1-Bland

SJR 2-Bland

SJR 3-Gross

SJR 4-Cauthorn

SJR 5-Bland

SJR 6-Bartle

SJR 7-Loudon

SJR 8-Bartle

SJR 9-Yeckel

SJR 10-Yeckel

SJR 11-Bartle

SJR 12-Mathewson and

Goode
SJR 13-Stoll
SJR 14-Jacob

RESOLUTIONS

To be Referred

SCR 2-Bland

Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY--THURSDAY, JANUARY 16, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

Senator Childers offered the following prayer:

Father, as we move through the early days of this session, we ask for Your guidance in our deliberations. We also ask for Your help in our travels as we go back to our homes and families. Be with all those who are working to serve in governing our great land. All this we ask in the name of Jesus. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator Kinder--1

Senator Gibbons announced that photographers from KODE-TV, Joplin, had been given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 34, regarding Philip Alexander Schwarz, St. Louis, which was adopted.

Senator Nodler offered Senate Resolution No. 35, regarding Danny Hensley, Jasper County, which was adopted.

Senator Klindt offered Senate Resolution No. 36, regarding the One Hundredth Birthday of Ethel Otto, Hamilton, which was adopted.

Senator Shields offered Senate Resolution No. 37, regarding the Platte County R-III High School Class 3 State Football Champions, Platte City, which was adopted.

Senator Bartle offered Senate Resolution No. 38, regarding Mary Stacy, Lee's Summit, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 274-By Caskey.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for children's hearing aids.

SB 275-By Russell.

An Act to repeal section 2, as enacted by senate bill no. 1168, ninety-first general assembly, second regular session, section 2, as enacted by senate committee substitute for house bill no. 1811, ninety-first general assembly, second regular session, and section 3, as enacted by senate bill no. 1041, ninety-first general assembly, second regular session relating to conveyance of property owned by the state.

SB 276-By Jacob.

An Act to repeal sections 160.534 and 313.805, RSMo, and to enact in lieu thereof four new sections relating to the education job retraining fund.

SB 277-By Jacob.

An Act to repeal section 494.430, RSMo, and to enact in lieu thereof one new section relating to jury duty.

SB 278-By Steelman, Griesheimer, Gross, Mathewson, Klindt, Shields, Stoll and Bartle.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to allowing certain electrical corporations to recover certain costs, with an emergency clause.

SB 279-By Scott.

An Act to amend chapter 700, RSMo, by adding thereto eighteen new sections relating to setup contractors for manufactured housing, with penalty provisions.

SB 280-By Scott, Cauthorn, Yeckel, Klindt, Shields, Childers, Griesheimer, Clemens, Champion, Nodler, Dolan, Vogel, Foster, Russell, Gross, Loudon, Kinder and Gibbons.

An Act to repeal sections 307.178, 383.500, 490.715, 509.290, 510.263, 512.020, 516.105, 537.067, 538.210, and 538.225, RSMo, and to enact in lieu thereof eighteen new sections relating to tort reform.

SB 281-By Shields.

An Act to repeal section 49.370, RSMo, and to enact in lieu thereof one new section relating to the location of county property.

SB 282-By Shields.

An Act to repeal section 64.341, RSMo, and to enact in lieu thereof one new section relating to county facilities.

SB 283-By Klindt.

An Act to repeal section 135.766 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular

session, and to enact in lieu thereof one new section for the sole purpose of reenacting section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session which was held unconstitutional by the Missouri Supreme Court.

SB 284-By Loudon.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the legal expense fund.

SB 285-By Dougherty, Kennedy and Days.

An Act to repeal section 313.805, RSMo, and to enact in lieu thereof one new section relating to powers of the gaming commission.

SB 286-By Dougherty, Shields, Coleman and Bray.

An Act to repeal sections 167.031 and 167.051, RSMo, relating to compulsory attendance age for public schools, and to enact in lieu thereof two new sections relating to the same subject.

SB 287-By Childers.

An Act to repeal sections 290.210, 290.220, and 290.230, RSMo, and to enact in lieu thereof three new sections relating to the prevailing wage.

SB 288-By Dolan.

An Act to repeal section 447.040, RSMo, and to enact in lieu thereof one new section relating to lost and found property.

SB 289-By Dolan, Nodler and Gross.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Trooper Charles P. Corbin memorial highway.

SB 290-By Gross and Steelman.

An Act to amend chapter 393, RSMo, by adding thereto four new sections relating to recovery of certain costs by utilities.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 15, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of J. Richard Franklin for the Board of Trustees Public School Retirement System,

submitted to you on January 13, 2003. Line 5 should be amended to read:

William Wasson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 15, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of David Eric McClure for Commissioner for the Missouri Division of Finance, submitted to you on January 8, 2003. Line 1 should be amended to read:

David Eric McClure, 1366 South Farm Road 237, Rogersville,

Respectfully submitted,

BOB HOLDEN

Governor

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

January 13, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointments to Joint Advisory Committee on Tobacco Securitization

Dear Terry:

Pursuant to Section 8.597, RSMo 2002, I am appointing the following Senators to the Joint Advisory Committee on Tobacco Securitization:

Senator David Klindt, Chairman

Senator Peter Kinder

Senator Anita Yeckel

Senator Ken Jacob

Senator Jim Mathewson

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Kent Faddis and Gary Headley, Joplin.

On motion of Senator Gibbons, the Senate adjourned until 10:00 a.m., Tuesday, January 21, 2003.

SENATE CALENDAR

SEVENTH DAY-TUESDAY, JANUARY 21, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 15-Childers

SB 17-Childers

SB 35-Loudon

SB 44-Dougherty

SB 51-Shields

SB 53-Shields and Nodler

SB 55-Nodler

SB 61-Caskey

SB 65-Goode and Gross

SB 68-Childers

SB 83-Cauthorn, et al

SB 84-Cauthorn and Klindt

SB 91-Coleman

SB 104-Goode and

Dougherty

SB 113-Loudon

SB 115-Dougherty

SB 128-Bland

SB 135-Goode

SB 141-Gross

SB 142-Goode and Days

SB 143-Goode

SB 144-Goode

SB 145-Bland

SB 146-Bland

SB 147-Bland

SB 148-Goode

SB 149-Bland

SB 150-Bland

SB 151-Bland

SB 152-Bland

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Bland

SB 157-Bland

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Russell

SB 168-Quick

SB 169-Quick

SB 170-Quick

SB 171-Loudon

SB 172-Goode

SB 173-Quick

SB 174-Childers

SB 175-Loudon

SB 176-Wheeler

SB 178-Bland

SB 179-Bland

SB 180-Bland

SB 181-Cauthorn

SB 182-Cauthorn, et al

SB 183-Dougherty

SB 184-Bartle

SB 185-Wheeler

SB 186-Cauthorn

SB 187-Yeckel

SB 188-Cauthorn, et al

SB 189-Loudon

SB 190-Loudon

SB 191-Bartle

SB 193-Loudon

SB 194-Scott

SB 196-Scott

SB 197-DePasco

SB 198-Caskey

SB 199-Childers

SB 200-Bland

SB 201-Steelman

SB 202-Childers

SB 203-Bartle

SB 204-Yeckel, et al

SB 205-Gross and Yeckel

SB 206-Champion

SB 207-Mathewson

SB 208-Mathewson

SB 209-Steelman, et al

SB 210-Steelman

SB 211-Cauthorn

SB 212-Bartle

SB 213-Bartle

SB 214-Bartle

SB 215-Foster

SB 216-Foster

SB 217-Champion and
Clemens

SB 218-Goode, et al

SB 219-Steelman

SB 220-Bartle

SB 221-Steelman, et al

SB 222-Steelman, et al

SB 223-Foster

SB 224-Vogel

SB 225-Klindt, et al

SB 226-Klindt and

Cauthorn

SB 227-Cauthorn

SB 228-Griesheimer

SB 230-Bray

SB 231-Caskey

SB 232-Cauthorn

SB 233-Foster

SB 234-Quick

SB 235-Quick

SB 236-DePasco and Loudon

SB 237-Russell, et al

SB 238-Caskey

SB 239-Mathewson and

Scott

SB 240-Mathewson

SB 241-Yeckel

SB 242-Yeckel

SB 243-Yeckel

SB 244-Russell and Vogel

SB 245-Shields and Bartle

SB 246-Steelman, et al

SB 247-Dolan

SB 248-Gross and Goode

SB 249-Shields and Bland

SB 250-Stoll

SB 251-Childers

SB 252-Steelman

SB 253-Steelman, et al

SB 254-Goode and

Mathewson

SB 255-Kinder

SB 256-Goode, et al

SB 257-Steelman

SB 258-Steelman

SB 259-Steelman

SB 260-Stoll and

Mathewson

SB 261-Clemens

SB 262-Clemens

SB 263-Jacob

SB 264-Shields

SB 265-Shields and Scott

SB 266-Shields

SB 267-Shields

SB 268-Loudon and Goode

SB 269-Quick

SB 270-Foster and Dolan

SB 271-Jacob

SB 272-Bland, et al

SB 273-Bland, et al

SB 274-Caskey

SB 275-Russell

SB 276-Jacob

SB 277-Jacob

SB 278-Steelman, et al

SB 279-Scott

SB 280-Scott, et al

SB 281-Shields

SB 282-Shields

SB 283-Klindt

SB 284-Loudon

SB 285-Dougherty, et al

SB 286-Dougherty, et al

SB 287-Childers

SB 288-Dolan

SB 289-Dolan, et al

SB 290-Gross and Steelman

SJR 1-Bland

SJR 2-Bland

SJR 3-Gross

SJR 4-Cauthorn

SJR 5-Bland

SJR 6-Bartle

SJR 7-Loudon

SJR 8-Bartle

SJR 9-Yeckel

SJR 10-Yeckel

SJR 11-Bartle

SJR 12-Mathewson and Goode

SJR 13-Stoll

SJR 14-Jacob

RESOLUTIONS

To be Referred

SCR 2-Bland

Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY--TUESDAY, JANUARY 21, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"Cast thy burden upon the Lord, and he shall sustain thee." (Psalm 55:22)

Dear Lord, it is still early in the life of this session and yet we feel the burden and weight of the problems that face our state and we ask You for strength to overcome them and to make the most of our limited resources. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 16, 2003, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 39, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard Kuntemeyer, Monroe City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 40, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Brown, St. Patrick, which was adopted.

Senator Cauthorn offered Senate Resolution No. 41, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. H. Dean Yearns, Queen City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 42, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

Kenny Daum, Centralia, which was adopted.

Senator Cauthorn offered Senate Resolution No. 43, regarding Corrections Officer I Mark Piper, Pittsfield, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 44, regarding Corrections Officer I Mike Piper, Pittsfield, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 45, regarding Corrections Officer I Linda Heightman, Pittsfield, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 46, regarding Corrections Officer I John Wilson, Sr., Hull, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 47, regarding Corrections Classification Assistant Regina Stephens Brehm, Pittsfield, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 48, regarding Corrections Officer I Rhonda Motley Hanson, Rockport, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 49, regarding Corrections Officer I Gary Davis, Pittsfield, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 50, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Smith, Newark, which was adopted.

Senator Cauthorn offered Senate Resolution No. 51, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leslie B. Long, Hannibal, which was adopted.

Senators Dougherty, Kennedy and Coleman offered Senate Resolution No. 52, regarding the 6025th Garrison Support Unit, St. Louis and Fort Riley, Kansas, which was adopted.

Senators Dougherty, Coleman, Kennedy and Kinder offered Senate Resolution No. 53, regarding the Cleveland Junior Naval Academy Color Guard, St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 54, regarding Alfred L. "Al" Purcell, Easton, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 291-By Caskey.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a private car ad valorem tax credit.

SB 292-By Yeckel.

An Act to repeal section 407.433, RSMo, and to enact in lieu thereof one new section relating to disclosure of credit card numbers on sales receipts, with penalty provisions.

SB 293-By Vogel.

An Act to repeal section 143.481, RSMo, and to enact in lieu thereof one new section relating to procedures for filing income taxes.

SB 294-By Vogel.

An Act to repeal section 313.220, RSMo, and to enact in lieu thereof one new section relating to lottery employees.

SB 295-By Shields.

An Act to repeal sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, and 140.420, RSMo, and to enact in lieu thereof fourteen new sections relating to delinquent taxes.

SB 296-By Griesheimer.

An Act to repeal section 161.092, RSMo, and to enact in lieu thereof one new section relating to the Missouri school improvement program.

SB 297-By Griesheimer.

An Act to amend chapter 250, RSMo, by adding thereto one new section relating to residential and commercial connections to state-operated sewer lines.

SB 298-By Griesheimer.

An Act to repeal sections 311.080, 311.200, 311.290, 311.293, 311.325, 311.328, 311.360, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof ten new sections relating to liquor control, with penalty provisions.

SB 299-By Champion, Russell, Nodler, Goode, Mathewson, Gross, Childers, Steelman, Yeckel and Clemens.

An Act to repeal sections 33.210, 33.270, 33.800, 33.803, 33.805, 33.807, and 33.810, RSMo, and to enact in lieu thereof seven new sections relating to performance-based budgeting.

SB 300-By Cauthorn, Griesheimer, Dolan, Loudon, Yeckel, Gibbons, Shields, Kennedy, Wheeler, Days and Coleman.

An Act to amend chapter 334, RSMo, by adding thereto sixteen new sections relating to anesthesiologist assistants, with penalty provisions.

SB 301-By Bray.

An Act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed to repair lateral sewer service lines.

SB 302-By Bray.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

SB 303-By Gibbons.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to critical care ground ambulance service.

SB 304-By Jacob.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales tax on retail sales of clothing and school supplies before the start of the school year, with an emergency clause and an expiration date.

SB 305-By Jacob and Steelman.

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales taxes on health and fitness centers.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Floyd O. Bartch, as a member of the Missouri Gaming Commission;

Also,

Janet L. Vanderpool, as a member of the Missouri State Board of Nursing;

Also,

Sarah J. Long, Lynne M. Cooper and Shawn P. Griffin, M.D., as members of the Children's Trust Fund Board;

Also,

Chester A. Culley, as a member of the Missouri Emergency Response Commission;

Also,

Mary E. Luebke, as a member of the Board for Certification of Interpreters;

Also,

Leslie L. Warden, as a member of the Advisory Committee on Lead Poisoning;

Also,

Gertrude E. O'Leary, as a member of the Mississippi River Parkway Commission;

Also,

Carol E. Bergmann, as a member of the Board of Examiners for Hearing Instrument Specialists;

Also,

Ronald E. Graham and Karla K. Dwyer, as members of the Drug Utilization Review Board;

Also,

Robert W. Cary, as a member of the State Milk Board;

Also,

Elizabeth B. Brown, as a member of the State Soil and Water Districts Commission;

Also,

Mary Louise Bussabarger, as a member of the State Mental Health Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stacey L. Allen, 1007 Sarcoxie Trail, Joplin, Jasper County, Missouri 64801, as a student representative of the Missouri Southern State College Board of Regents, for a term ending January 1, 2008, and until her successor is duly appointed and qualified; vice, Brett Doennig, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nadia T. Cavner, Democrat, 4466 E. Culloden Lane, Springfield, Greene County, Missouri 65809, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William A. Easley, Jr., Republican, P.O. Box 126, Cassville, Barry County, Missouri 65625, as a member of the Clean Water Commission, for a term ending April 12, 2006, and until his successor is duly appointed and qualified; vice, Art Hegi, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel R. Flynn, 713 Westlake Drive, Troy, Lincoln County, Missouri 63379, as a member of the Well Installation Board, for a term ending February 24, 2006, and until his successor is duly appointed and qualified; vice, Gregory Evans, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan I. Green, 1940 Allen Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Seismic Safety Commission, for a term ending August 11, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Loretta Pinkard Prater, 2310 Abbey Road, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until her successor is duly appointed and qualified; vice, Elaine Aber, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lois L. Reine, 2846 Foxdale Drive, Jefferson City, Cole County, Missouri 65109, as a public member of the Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2004, and until her successor is duly appointed and qualified; vice, Nonaresa Montgomery, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Geo. Irvin Whitehead, 29 Atchinson Road, Olean, Miller County, Missouri 65064-2145, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2008, and until his successor is duly appointed and qualified; vice, Annette Morgan, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments and the addendums appearing on page 97 of the Senate Journal for Thursday, January 16, 2003, to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 51--Pensions and General Laws.

SB 53--Pensions and General Laws.

SB 55--Pensions and General Laws.

SB 141--Ways and Means.

SB 142--Economic Development, Tourism and Local Government.

SB 143--Governmental Accountability and Fiscal Oversight.

SB 144--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 145--Judiciary and Civil and Criminal Jurisprudence.

SB 146--Small Business, Insurance and Industrial Relations.

SB 147--Aging, Families, Mental and Public Health.

SB 148--Transportation.

SB 149--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 150--Education.

SB 151--Ways and Means.

SB 153--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 154--Small Business, Insurance and Industrial Relations.

SB 155--Agriculture, Conservation, Parks and Natural Resources.

SB 156--Commerce and the Environment.

SB 157--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 158--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 159--Aging, Families, Mental and Public Health.

SB 160--Judiciary and Civil and Criminal Jurisprudence.

SB 162--Small Business, Insurance and Industrial Relations.

SB 163--Transportation.

SB 165--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 166--Aging, Families, Mental and Public Health.

SB 167--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 168--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 169--Judiciary and Civil and Criminal Jurisprudence.

SB 170--Economic Development, Tourism and Local Government.

SB 171--Transportation.

SB 173--Economic Development, Tourism and Local Government.

SB 175--Aging, Families, Mental and Public Health.

REFERRALS

President Pro Tem Kinder referred **SCR 2** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Mike Frederick and his daughter, Hannah, St. Louis; and Hannah was made an honorary page.

Senator Kennedy introduced to the Senate, Bill Krenn, St. Louis.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Tom Saak, M.D., St. Louis.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTH DAY-WEDNESDAY, JANUARY 22, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 15-Childers

SB 17-Childers

SB 35-Loudon

SB 44-Dougherty

SB 61-Caskey

SB 65-Goode and Gross

SB 68-Childers

SB 83-Cauthorn, et al

SB 84-Cauthorn and Klindt

SB 91-Coleman

SB 104-Goode and Dougherty

SB 113-Loudon

SB 115-Dougherty

SB 128-Bland

SB 135-Goode

SB 152-Bland

SB 161-Bland

SB 164-Bland

SB 172-Goode

SB 174-Childers

SB 176-Wheeler

SB 178-Bland

SB 179-Bland

SB 180-Bland

SB 181-Cauthorn

SB 182-Cauthorn, et al

SB 183-Dougherty

SB 184-Bartle

SB 185-Wheeler

SB 186-Cauthorn

SB 187-Yeckel

SB 188-Cauthorn, et al

SB 189-Loudon

SB 190-Loudon

SB 191-Bartle

SB 193-Loudon

SB 194-Scott

SB 196-Scott

SB 197-DePasco

SB 198-Caskey

SB 199-Childers

SB 200-Bland

SB 201-Steelman

SB 202-Childers

SB 203-Bartle

SB 204-Yeckel, et al

SB 205-Gross and Yeckel

SB 206-Champion

SB 207-Mathewson

SB 208-Mathewson

SB 209-Steelman, et al

SB 210-Steelman

SB 211-Cauthorn

SB 212-Bartle

SB 213-Bartle

SB 214-Bartle

SB 215-Foster

SB 216-Foster

SB 217-Champion and Clemens

SB 218-Goode, et al

SB 219-Steelman and Yeckel

SB 220-Bartle

SB 221-Steelman, et al

SB 222-Steelman, et al

SB 223-Foster

SB 224-Vogel

SB 225-Klindt, et al

SB 226-Klindt and Cauthorn

SB 227-Cauthorn

SB 228-Griesheimer

SB 230-Bray

SB 231-Caskey

SB 232-Cauthorn

SB 233-Foster

SB 234-Quick

SB 235-Quick

SB 236-DePasco and Loudon

SB 237-Russell, et al

SB 238-Caskey

SB 239-Mathewson and Scott

SB 240-Mathewson

SB 241-Yeckel

SB 242-Yeckel

SB 243-Yeckel

SB 244-Russell and Vogel

SB 245-Shields and Bartle

SB 246-Steelman, et al

SB 247-Dolan

SB 248-Gross and Goode

SB 249-Shields and Bland

SB 250-Stoll

SB 251-Childers

SB 252-Steelman

SB 253-Steelman, et al

SB 254-Goode and Mathewson

SB 255-Kinder

SB 256-Goode, et al

SB 257-Steelman

SB 258-Steelman

SB 259-Steelman

SB 260-Stoll and Mathewson

SB 261-Clemens

SB 262-Clemens

SB 263-Jacob

SB 264-Shields

SB 265-Shields and Scott

SB 266-Shields and Kennedy

SB 267-Shields

SB 268-Loudon and Goode

SB 269-Quick

SB 270-Foster and Dolan

SB 271-Jacob

SB 272-Bland, et al

SB 273-Bland, et al

SB 274-Caskey

SB 275-Russell

SB 276-Jacob

SB 277-Jacob

SB 278-Steelman, et al

SB 279-Scott

SB 280-Scott, et al

SB 281-Shields

SB 282-Shields

SB 283-Klindt

SB 284-Loudon

SB 285-Dougherty, et al

SB 286-Dougherty, et al

SB 287-Childers

SB 288-Dolan

SB 289-Dolan, et al

SB 290-Gross and Steelman

SB 291-Caskey

SB 292-Yeckel

SB 293-Vogel

SB 294-Vogel

SB 295-Shields

SB 296-Griesheimer

SB 297-Griesheimer

SB 298-Griesheimer

SB 299-Champion, et al

SB 300-Cauthorn, et al

SB 301-Bray

SB 302-Bray

SB 303-Gibbons

SB 304-Jacob

SB 305-Jacob and Steelman

SJR 1-Bland

SJR 2-Bland

SJR 3-Gross

SJR 4-Cauthorn

SJR 5-Bland

SJR 6-Bartle

SJR 7-Loudon

SJR 8-Bartle

SJR 9-Yeckel

SJR 10-Yeckel

SJR 11-Bartle

SJR 12-Mathewson and Goode

SJR 13-Stoll

SJR 14-Jacob

Journal of the Senate

FIRST REGULAR SESSION

EIGHTH DAY--WEDNESDAY, JANUARY 22, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Time and fire have the same effect." (Henry David Thoreau)

Gracious God, help us be sensitive to what You want us to do; that our activities and decisions are in accord with Your will for us so that we may effectively impact the lives of our people for the better. And Lord, we pray for our fellow Missourians who have been called up to serve and protect our country; watch over them and bless those who are put in harm's way. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Gibbons announced that photographers from TV23-Springfield had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 55, regarding Gerald L. "Jerry" Manford, Basehor, Kansas, which was adopted.

Senator Steelman offered Senate Resolution No. 56, regarding Linda K. Shockley, Auxvasse, which was adopted.

Senator Cauthorn offered Senate Resolution No. 57, regarding the Northeast Missouri Rural Telephone Company (NEMR), Green City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 58, regarding J. Brent Engel, Louisiana, which was adopted.

Senator Vogel offered Senate Resolution No. 59, regarding Lucas E. Vogel, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 60, regarding Brent Butzer Dulle, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 61, regarding Michael Schwarzer, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 62, regarding Carl G. Bynum, D.O., Jefferson City, which was adopted.

Senator Klindt offered Senate Resolution No. 63, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Clark, Mercer, which was adopted.

Senator Klindt offered Senate Resolution No. 64, regarding Matthew Chambers, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 65, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Gilgour, Hamilton, which was adopted.

Senator Klindt offered Senate Resolution No. 66, regarding Andy and Dana Kapp, Clarksdale, which was adopted.

Senator Klindt offered Senate Resolution No. 67, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Baker, Hamilton, which was adopted.

Senator Loudon offered Senate Resolution No. 68, regarding Harry Bozoian, D.D.S., St. Louis County, which was adopted.

Senator Loudon offered Senate Resolution No. 69, regarding Gordon C. Thompson, D.D.S., Chesterfield, which was adopted.

Senator Bray offered Senate Resolution No. 70, regarding Marvin Wallach, D.D.S., Olivette, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to **HCR 2**. Representatives Smith (14), Munzlinger, Dethrow, Angst, Ruestman, Brown, Johnson (61), Johnson (90), Meiners and Merideth.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of the Judiciary address Representatives Quinn, Shoemaker, Johnson (47), Smith (118), Self, Pearce, El-Amin, Hampton, Harris (110), and Walsh.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following committee pursuant to **HCR 2**: Senators Yeckel, Dolan, Bartle, Loudon, Kinder, Goode, Wheeler, Days, Jacob and Bray.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 306-By Steelman.

An Act to repeal section 452.423, RSMo, and to enact in lieu thereof one new section relating to guardian ad litem.

SB 307-By Steelman.

An Act to repeal section 208.565, RSMo, and to enact in lieu thereof one new section relating to the senior Rx program, with an emergency clause.

SB 308-By Steelman.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to the Missouri calcium initiative, with an emergency clause and expiration date.

SB 309-By Caskey.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the department of natural resources.

SB 310-By Caskey.

An Act to repeal sections 347.700, 347.720, 358.150, 358.520, and 359.165, RSMo, and to enact in lieu thereof five new sections relating to business organizations.

SB 311-By Dougherty, Bray, Jacob, Coleman, Days, Kennedy, Goode, Wheeler and Bland.

An Act to repeal sections 197.317, 197.318, 198.018, 198.022, 198.032, 198.036, 198.067, 198.070, 198.090, 198.093, 198.525, 198.526, 198.532, 208.159, 210.903, 210.909, 210.933, 210.936, 344.050, 565.186, 565.188, 565.190, 660.050, 660.058, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof forty-three new sections relating to protection of the elderly, with penalty provisions.

SB 312-By Dolan, Foster, Yeckel and Loudon.

An Act to repeal section 565.020, RSMo, and to enact in lieu thereof one new section relating to offenses against the person, with penalty provisions.

SB 313-By Dolan.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to law enforcement officers' health impairment.

SB 314-By Dolan.

An Act to repeal section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, relating to abandoned property.

SB 315-By Steelman.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the establishment of an official state grass.

SB 316-By Kennedy.

An Act to amend chapters 335 and 376, RSMo, by adding thereto two new sections relating to registered nurse first

assistants.

Senator Gibbons moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable Stephen N. Limbaugh, Jr., which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
Absent--Senators			
DePasco	Quick--2		
Absent with leave--Senators--None			

On roll call the following Representatives were present:

Present--Representatives			
Abel	Adams	Angst	Avery
Baker	Barnitz	Bean	Bearden
Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Bringer
Brooks	Brown	Bruns	Burnett
Byrd	Campbell	Carnahan	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Fraser
George	Goodman	Graham	Green
Guest	Hampton	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hobbs
Hoskins	Hubbard	Hunter	Ice
Jackson	Jetton	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 144
Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lembke	LeVota
Liese	Lipke	Lowe	Luetkemeyer
Marsh	May 149	Mayer 159	McKenna
Meiners	Merideth	Miller	Moore
Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce

Phillips	Portwood	Pratt	Quinn
Ransdall	Rector	Richard	Roark
Ruestman	Rupp	Sager	Salva
Sander	Schaaf	Schlottach	Schneider
Schoemehl	Seigfreid	Selby	Self
Shoemaker	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	Stefanick	Stevenson
Sutherland	Taylor	Thompson	Threlkeld
Townley	Viebrock	Villa	Vogt
Walker	Wallace	Walsh	Walton
Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25
Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel
Madam Speaker--157			
Absent and Absent with Leave--Representatives			
Holand	Lawson	Purgason	Reinhart
St. Onge	Wagner--6		

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Stephen N. Limbaugh, Jr., escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

The State of the Judiciary

Address of Chief Justice Stephen N. Limbaugh, Jr.

to the

92nd General Assembly, First Regular Session

January 22, 2003

President Maxwell, Speaker Hanaway, distinguished members of the Senate and House of Representatives. Let me begin with introductions of two of my colleagues on the Supreme Court. The first is Judge Richard Teitelman, our newest judge, who took office last March, after three years of service on the Court of Appeals in St. Louis, and 18 years as a legal aid lawyer, selflessly representing low-income citizens. Although Judge Teitelman is sight-impaired, he compensates by working day and night, with little sleep, and as the other judges will tell you, his caseload is the most current on the Court. In addition, he brings a personal kindness and graciousness that enhances the collegiality of a Court that already prides itself on its collegiality.

The other introduction is my friend Judge Ronnie White, who, on July 1, will take over my duties as chief justice as I complete my two-year rotation and he begins his. One hundred fifty years after Missouri's landmark Dred Scott case, which precipitated the Civil War, and in turn, the end of slavery, and the struggle for civil rights that followed, it is high time that an African-American is represented in the office of Chief Justice. And to that, I add that Judge White will be the first chief justice in 34 years who also has served in the legislature.

Last year at this time, you greeted me warmly, and many of you expressed to me that you appreciated my emphasis on the honor of public service. But it was also clear that my speech was well received because I didn't ask for money! Nor will I ask for money this year, knowing that the budget crisis is even worse. There is one exception: For the 3,000 or so court employees - court clerks and secretaries and juvenile officers - the people who staff the courthouses in our 114 counties and the City of St. Louis, the people who are the public's first and sometimes most critical contact with the court system, the people who keep the court records and process the data in the computers and who assist lawyers and litigants and the general public alike, the people who collect and process the myriad of fees and fines and child support payments and the like, the people who over years of dedicated service have worked themselves up a state pay grid that starts at just \$17,000 per year, the people who for two years running have not had a raise in pay and whose take-home pay has actually been reduced because of increased insurance premiums - for those people I ask your help. I ask nothing for judges, but I ask you to find the means to help those whose work allows the judges to administer justice.

In view of the budget crisis, the Court is attempting to fashion its own proactive solutions by securing alternative sources of funding for one of its most important administrative efforts, the ongoing and immensely successful court automation program. For those of you who are new to the

General Assembly, the court automation program is, in a word, the "computerization" of the judicial system, and its purpose is to give courts greater capacity to manage caseloads, to provide the general public with instant access to all public court records, and to improve essential communication between courts, law enforcement agencies, and other executive branch entities. The infrastructure has been completed statewide, and case management software is being used in about half of the courts. Although the original intent was to bring the remaining courts into the statewide system within the next few years, budget cuts have placed the program on hold. One exception is the 16th Judicial Circuit in Jackson County which, after a review of the several case management software programs throughout the country, decided to invest its own funds to expand its use of the state system. In fact, this alternative funding approach, which does not require state general revenue, has potential for other urban circuits as well, such as the City of St. Louis, where talks are underway for implementation of a project similar to that in Kansas City.

Some of you, particularly those who are lawyers, may have used the system's internet access called Case.Net, which is built on the case management software, and know full well that the promise of the court automation program - instant electronic access to court records open to the public - is now being met. The rest of you will find that you can access with ease everything from the courts' docket entries in any given case, to a judge's entire court calendar. And, for me, as one whose computer skills are far from proficient, the true test of the product is that even I can use it!

The Case.Net system was not the work of any vendor, but the result of the creativity and ingenuity of the employees of the Office of State Courts Administrator. You should know, too, that that creativity and ingenuity has been recognized on a national level. Just last summer, Case.Net received the "Best of Breed Award" from the Center for Digital Government, a think-tank of experts in the use of information technology at all levels of government. Indeed, Case.Net was one of 30 programs selected from more than 1,500 entries nationwide. Additionally, we recently received word that the court automation program was designated as a Computerworld Honors Program Laureate. This prestigious award means that the court automation program will be on file and available for study at such renowned institutions as Oxford, Harvard, MIT, and the Smithsonian Institution's National Museum of American History.

To be sure, the automation of the courts, which the legislature has strongly supported over the years, is bearing fruit for our Missouri citizens and serves as a model for the country. We are especially grateful to Senator Klindt and Representative Crowell, who have attended nearly every meeting of the statutory court automation committee since their appointment and who provide invaluable legislative input and oversight.

If the crisis with the budget is the most pressing concern of the General Assembly, the crisis in juvenile justice undoubtedly will command a good deal of your attention as well. At the outset, it is our pledge that we, the judges of this state, will do all in our power to correct the failures in the system whether or not those failures are of our own making. Investigations into alleged mishandling of juvenile court cases have been conducted by both the Governor's office and the Senate, and the reports have been submitted. A third investigation - a DFS performance audit by State Auditor Claire McCaskill - is pending, and I am grateful to her for affording me a preview of her findings. Although most of the focus has been on the Division of Family Services, I regret that in certain cases we judges have come under fire for being heavy-handed in the removal of children from their homes, for failing to provide timely hearings to the parents and families of those children who have been removed, and for failing to require the communication and cooperation between the courts and DFS necessary to protect the children. Whether the truth of the allegations is perception or reality, the unfortunate result, of course, is public distrust and a lack of confidence in the system.

Now that investigations have been made and problems have been identified, it is time for solutions. I ask, however, that those solutions be informed by the perspective of our judges - those who are the ultimate decision-makers - and that you keep in mind that many of the cases heard are exceedingly difficult and emotionally draining. In that regard, the nature of the complaints themselves point out the difficulty. On one hand, the charge is that judges too often remove kids unnecessarily; on the other hand, the charge is that too often kids are not removed soon enough. The fact is, in many cases, the evidence is conflicting - not so much in the determination that the children are subject to harm, but in the determination of who or what is the cause of the harm, and, more importantly, in the determination of how best to prevent the continued harm. I hope you understand why most judges tend to err on the side of protecting the kids.

I speak from my own hard experience as a prosecutor and former juvenile court judge. In those positions, one learns quickly of the unfathomable cruelty that can be inflicted on children. There is outrage against the perpetrators, and anguish and empathy for the victims, and a troubling sense of wonder that such cruelty can exist in our affluent and progressive society. I will not forget the awful details of the last case of child abuse I tried as a prosecutor. A six-year old boy had been locked alone in the basement of a house in Cape Girardeau by the boy's mother and her boyfriend, who then left the house for a weekend jaunt out of state. The basement had carpet, but no furniture, and there were two windows that were too high for the boy to reach, although they allowed him to hear the neighbor kids playing outside. He was given a blanket, a package of Twinkies and a soda, a couple of toys, and nothing else. If you have a sense of pity for the child in that makeshift prison, imagine the horror in his little eyes when the house caught fire. Though the house burned to the ground, a fireman-hero rescued the boy, unconscious and on the verge of death. On the operating table at the local hospital, physicians worked feverishly to resuscitate the boy, extricating gobs of white ash and black soot from his mouth and nose and throat, but as they were bringing him back to life, they were doubly alarmed at his pencil-thin arms and legs and his bloated belly. And sure enough, the secondary diagnosis was "failure to thrive," doctor's jargon for malnutrition. Miraculously, the boy survived and last heard is doing well in a placement overseas with his father's family. The mother was sentenced to time in the county jail, and the boyfriend, the main perpetrator, went to prison.

This case was not typical, but only because of the devastating fire. To the extent that cases can be characterized as typical, they most often involve children living with their unwed mother who is drug-addicted or alcoholic, barely functional and who is frequented by boyfriends who are abusive

to her and her children both. In more cases than not, the fathers are unknown, absent, in jail, or are themselves drug-addicted, alcoholic and barely functional. The children in those typical cases are clearly in danger. The salvation is that when the authorities are notified of the situation, and the system works properly, the children will be removed and placed in a nurturing and loving foster-care setting, and the lucky ones eventually will be adopted out.

In many other cases, however, the evidence is equivocal and the dispositions unsure. I recall, in particular, a case I had as a juvenile court judge involving an 18-year old woman - an 18-year-old girl - who already had five children by five different fathers. This is no exaggeration! She was not a drug addict or an alcoholic, nor did she abuse her kids or allow others to harm them, at least physically, and those facts dictated against removing the kids. But her home was a revolving door for boyfriends who were often drugged or drunken, and she and the kids survived on little more than food stamps, Medicaid, and family housing subsidies. She had few parenting skills, just an eighth-grade education, and no relatives she could count on, and, as you would expect, most of the time she was rather desperate. DFS efforts to teach parenting skills and household management were only marginally successful.

Under any conception of "the best interests of the children" - the legal standard by which all court interventions are governed - the children should have been removed. And from time to time, they were removed, and more than once at the request of the mother, herself. The likelihood was that those kids would flourish in most any other environment, and that they would only fail with their mother. But a competing presumption of law in effect at the time of the case required all-out efforts for reunification of the family - which meant that the kids stayed with the mother. Under the law, then as now, kids are to be taken from their homes only if they are abused or neglected, not if the parents are poor and uneducated. And so it was, that for many months, until I left for my new position on the Supreme Court, I supported the rather valiant efforts of the juvenile officers and DFS workers on the outside chance that the young mother might eventually learn to adequately care for her own children.

Late yesterday afternoon, as I was finalizing my remarks, and realizing that my recollection of the young girl's case may be unduly harsh, I called Randy Rhodes, the chief juvenile officer in Cape Girardeau, to check my facts. Randy had been the juvenile officer assigned to the case, and he confirmed that my account of the case was accurate. As we finished the conversation, I asked, in passing, "Whatever happened to the girl?" To my surprise, he said that he saw her just a couple of weeks ago. And he told me this: Ten and a half years, and two more kids later, she is alive and well, she is stable and relatively self-supporting, and she has a job - a full-time job! - a job working for a sheriff's department across the river in Illinois, and even the kids have enjoyed a fair measure of success!

My goodness, how would it be if all the other families like hers fared half so well! But in my experience, unfortunately it is not that way. There are many failures, and the successful preservation of families, at least in the extreme cases like hers, is more the exception than the rule.

I have been on the bench for more than 15 years, and for 10 of those years, I have served on the Supreme Court, hearing the difficult, complex, and immensely important legal issues of the day. But the most difficult cases I have faced are child custody cases in the juvenile and family courts, the cases in which I was required to determine whether to favor one parent over another, or whether to take the kids from both. It was a time in my career that I relied on the sage advice of one of my predecessors in office, Judge Stanley Grimm, who capsulized the law in this unique way: He told me that a judge can take kids only from parents who rate a failing grade, not from parents who rate a D-. Too often, as I learned from the case of the 18-year old woman with five children, the difference between a D- and an F is murky and muddled, but the call must be made, and one hopes and prays that the children will be free from harm and somehow given a fair shake.

From these accounts and countless others like them, I hope you understand that there are so many pitiful and seemingly hopeless cases, cases that simply have no good answers, and that even with all the resources our society has to offer, and even with all the wisdom in the world, mistakes will be made, and tragedies will occur.

Agree with me on this proposition: When mistakes are made and when tragedies occur, the only acceptable response is to redouble our efforts to ensure that, in the future, decisions regarding the fate of our children are indeed made with all the resources we have to offer and all the wisdom we can muster.

Because we judges are the ultimate decision-makers in the cases, it is incumbent on us to take the lead. To that end, and with the blessing and encouragement of Senate President Pro Tem Kinder and House Speaker Hanaway and Governor Holden, himself, I am pleased to announce the formation of a commission composed primarily of judges and legislators, but also including key executive branch officials and other interested parties, to address the concerns raised in the several investigations, to review proposed legislative solutions, and to propose legislative changes of its own. The judges of this state ask that through the work of this commission, they be given input in the legislative process. We ask not to direct any legislation, but only that you hear our concerns, as we strive to hear yours, and we submit to you that the healthy interaction between judges and legislators, between representatives of co-equal branches of government, is the best way to yield the best product for our mutual constituents, our children.

There is precedent for this collaboration. In 1994, there was a crisis in juvenile justice that centered on juvenile delinquency rather than abused and neglected kids. The crisis then was born of a nationwide increase in juvenile crime coupled with the perception and, in some cases, the reality, that kids who committed crimes were going both unpunished and unrehabilitated. Just as today, people were wary of the system because of the secrecy of the proceedings. To meet that challenge, the Court, in cooperation with the General Assembly and the Department of Social Services, formed

the Supreme Court Task Force on Children and Families, and just as today, the charge was to review proposed legislation and to propose legislation on its own. With helpful suggestions from the Task Force, the resulting enactments brought into better balance the competing interests of protecting society from juvenile offenders and offering those offenders, because of their tender age, a chance at redemption and rehabilitation. The rules on confidentiality were lifted in the more serious cases to provide for public scrutiny, and the rules for certification of youthful offenders to stand trial as adults were strengthened to make those offenders more accountable. At the beginning of the process, the legislative proposals were, as they say, "all over the board," but the legislation that was enacted was consensus legislation. It was legislation that was hailed at the time and that since has proven its worth. It has brought stability and respect, and has increased the public's trust and confidence in the system. In fact, the juvenile delinquency side of the juvenile justice system and especially the innovative programs of the Division of Youth Services under its longtime director Mark Steward, are among the finest in the nation. It is that performance and reputation that we must bring to the abuse and neglect side of the system. That is the aim of our new commission.

Senator Kinder and Speaker Hanaway are so enthused about the project that they have appointed themselves to the commission! The other members are Senators Bill Foster and Pat Dougherty, and Representatives Bryan Stevenson and Yvonne Wilson. The chair of the commission is Judge John C. Holstein of Springfield, who, as most of you know, is a former judge and Chief Justice of the Supreme Court and, more importantly, is a former judge of the juvenile court in West Plains, Missouri. Judge Holstein, would you please stand? Because time is of the essence, the work of the commission will begin immediately, and I mean immediately! Judge Holstein will meet with the legislative members this very afternoon.

In addition to the work of our joint commission, let me emphasize that much can and will be done outside the legislative process. Specifically, I am directing the judiciary to undertake the following measures:

1. We will prepare and publish a best practices manual for juvenile court judges so that we can implement, throughout the state, what we know that works, and I am pleased to advise you that the first portion of the manual is already in circulation;
2. We will promulgate time standards to ensure the timely processing of abuse and neglect cases;
3. We will ensure that whenever possible, children are placed first with qualified relatives before other alternatives are pursued; and this effort, too, already is being undertaken in every one of our juvenile courts;
4. With the cooperation of DFS, we will provide and mandate cross-training for all juvenile officers and DFS caseworkers and even the judges, themselves, so that everyone within the system knows the processes and personalities of each constituent part of the system; and
5. We will look very seriously at opening our court proceedings, at least to some extent, so that there is a better balance between the need to protect the privacy of children and the need to inform the public and shed light on the system.

Finally, so that your difficult legislative decisions will be as informed as possible, I invite you to participate - no, I urge you to participate - in a symposium for legislators sponsored by the Supreme Court and the Missouri Juvenile Justice Association to be held Monday afternoon, February 3, from 3 to 7 p.m., at a local hotel. In recognition of the immediacy and crucial importance of the juvenile justice issues, the legislative leadership has agreed to call you into session at 2 p.m. on that Monday afternoon, to do the necessary business at hand, and then to adjourn before 3 p.m., so that each of you can attend. Professor Douglas Abrams of the University of Missouri-Columbia School of Law will begin with a brief history of the tragedies and triumphs of Missouri's juvenile courts. A copy of Professor Abrams' new book - "A Very Special Place in Life" - which commemorates the 100th anniversary of the founding of the juvenile courts in this state, will be distributed to you at that time. Four of our juvenile and family court judges will then present the main program, complete with flow charts and handouts of pertinent statutes and an assortment of other useful materials. Each judge will focus on a different part of the system - cases involving abuse and neglect, cases involving what we call "status offenses" (runaways, truants and the like), cases involving juvenile delinquency, and the special extracurricular activities of our judges that are designed to reach children before they need to be admitted to the system in the first place. At 5 p.m., each of you will be assigned to one of six breakout groups organized by geographic region and staffed by your local juvenile court judges and juvenile officers, as well as local DFS, DYS and DMH caseworkers. For the next hour, you will be encouraged to ask questions and offer your suggestions about the system in general and about local implementation in particular. Following the breakout sessions, The Missouri Bar will sponsor an hour-long reception at the hotel to further the networking opportunities for all participants. By engaging in this dialogue and by opening the lines of communication, it is our profound hope, that at the end of the day, we can better respond to your concerns, and thus better serve our children.

To conclude, despite the current challenges, you will learn from Professor Abrams' book that Missouri has become a national leader in many social reforms that have served and continue to serve the best interests of children and, indeed, Missouri boasts a remarkable heritage of leadership and innovation that forms the perfect foundation for our actions today and in the future. To build on that rich heritage, we must cooperate and collaborate. We must find ourselves on the same page. We must have a common understanding of the problems. We must devote our full resources to the solutions. And together, we must win the day for our children.

And why this common commitment? It is because our goal is the same. Our goal is the same! And it is simply this: A safe home, and a loving family, for every child.

Thank you.

On motion of Senator Gibbons, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Shields.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 176--Aging, Families, Mental and Public Health.

SB 178--Ways and Means.

SB 179--Small Business, Insurance and In-dustrial Relations.

SB 180--Education.

SB 181--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 182--Aging, Families, Mental and Public Health.

SB 183--Transportation.

SB 184--Judiciary and Civil and Criminal Jurisprudence.

SB 185--Aging, Families, Mental and Public Health.

SB 186--Economic Development, Tourism and Local Government.

SB 187--Education.

SB 188--Ways and Means.

SB 189--Small Business, Insurance and In-dustrial Relations.

SB 190--Small Business, Insurance and In-dustrial Relations.

SB 191--Judiciary and Civil and Criminal Jurisprudence.

SB 193--Transportation.

SB 194--Small Business, Insurance and In-dustrial Relations.

SB 196--Pensions and General Laws.

SB 197--Ways and Means.

SB 199--Economic Development, Tourism and Local Government.

SB 200--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 201--Small Business, Insurance and In-dustrial Relations.

SB 203--Judiciary and Civil and Criminal Jurisprudence.

SB 204--Education.

SB 205--Education.

SB 206--Judiciary and Civil and Criminal Jurisprudence.

SB 208--Economic Development, Tourism and Local Government.

SB 209--Aging, Families, Mental and Public Health.

SB 210--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 211--Ways and Means.

SB 212--Pensions and General Laws.

SB 213--Judiciary and Civil and Criminal Jurisprudence.

SB 214--Judiciary and Civil and Criminal Jurisprudence.

SB 216--Transportation.

SB 217--Pensions and General Laws.

SB 218--Economic Development, Tourism and Local Government.

SB 219--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 220--Pensions and General Laws.

SB 221--Commerce and the Environment.

SB 224--Economic Development, Tourism and Local Government.

SB 228--Economic Development, Tourism and Local Government.

SB 232--Economic Development, Tourism and Local Government.

SB 237--Economic Development, Tourism and Local Government.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorsey Alan Baumgartner, 1714 Old Highway 54, Auxvasse, Callaway County, Missouri 65231, as a member of the State Mental Health Commission, for a term ending June 26, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointment to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 71, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Earl W. Wooldridge, St. Peters, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

January 17, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointments to the Joint Committee on Corrections

Dear Terry:

Pursuant to Section 21.440, RSMo 2002, I am appointing the following Senators to the Joint Committee on Corrections:

Senator John Cauthorn

Senator Carl Vogel

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Also,

January 17, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Capital Improvements and Leases Oversight

Dear Terry:

Pursuant to Section 21.530, RSMo 2002, I am appointing Senator Chuck Gross to the Joint Committee on Capital Improvements and Leases Oversight.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Also,

January 17, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Missouri Arts Council Trust Fund Board of Trustees

Dear Terry:

Pursuant to Section 185.100, RSMo 2002, I am appointing Senator Charlie Shields to the Missouri Arts Council Trust Fund Board of Trustees.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Also,

January 17, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointments to the Missouri Children's Services Commission

Dear Terry:

Pursuant to Section 210.101, RSMo 2002, I am appointing the following Senators to the Missouri Children's Services Commission:

Senator Bill Foster

Senator Anita Yeckel

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Also,

January 17, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Missouri Boundary Commission

Dear Terry:

Pursuant to Section 7.200, RSMo 2002, I am appointing Senator Dan Clemens to the Missouri Boundary Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Also,

January 17, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointments to Missouri Commission on the Delta Regional Authority

Dear Terry:

Pursuant to House Concurrent Resolution 25 (2002), I am appointing the following Senators to the Missouri Commission on the Delta Regional Authority:

Senator Bill Foster

Senator Harry Kennedy

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Also,

January 21, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Missouri Health Facilities Review Committee

Dear Terry:

Pursuant to Section 197.310, RSMo 2002, I am appointing Senator John Cauthorn to the Missouri Health Facilities Review Committee.

Please do not hesitate to contact me if you have further questions.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

January 21, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Economic Development Policy and Planning

Dear Terry:

Pursuant to Section 620.602, RSMo 2002, I am appointing Senator Norma Champion to serve as chairman of the Joint Committee on Economic Development Policy and Planning.

As chairman of this committee, Senator Champion will be charged with assessing the current economic climate in Missouri, including a review of the annual economic report produced by the Missouri Department of Economic Development. It shall also be her duty to plan, develop, and evaluate a long-term economic development policy for the state of Missouri. These processes are necessary to ensure Missouri's competitiveness with other states, to foster job growth and retention in the state, and to guard against future declines in the national and state economies.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter D. Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Dougherty introduced to the Senate, Dr. Larry and Audrey Jones, St. Louis.

Senator Bray introduced to the Senate, former State Representative Tim Van Zandt, Washington, D.C.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Wayne Morton, Osceola.

Senator Steelman introduced to the Senate, Lindsey and Justice Yates, Richland; and Pat Flynn, Kansas City.

Senator Kennedy introduced to the Senate, Sherman and Catherine George, St. Louis.

Senator Dougherty introduced to the Senate, Addington Stewart, St. Louis.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

NINTH DAY-THURSDAY, JANUARY 23, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 15-Childers

SB 17-Childers

SB 35-Loudon

SB 44-Dougherty

SB 61-Caskey

SB 65-Goode and Gross

SB 68-Childers

SB 83-Cauthorn, et al

SB 84-Cauthorn and Klindt

SB 91-Coleman

SB 104-Goode and

Dougherty

SB 113-Loudon

SB 115-Dougherty

SB 128-Bland

SB 135-Goode

SB 152-Bland

SB 161-Bland

SB 164-Bland

SB 172-Goode

SB 174-Childers

SB 198-Caskey

SB 202-Childers

SB 207-Mathewson

SB 215-Foster

SB 222-Steelman, et al

SB 223-Foster

SB 225-Klindt, et al

SB 226-Klindt and

Cauthorn

SB 227-Cauthorn

SB 230-Bray

SB 231-Caskey

SB 233-Foster

SB 234-Quick

SB 235-Quick

SB 236-DePasco and Loudon

SB 238-Caskey

SB 239-Mathewson and

Scott

SB 240-Mathewson

SB 241-Yeckel

SB 242-Yeckel

SB 243-Yeckel

SB 244-Russell and Vogel

SB 245-Shields and Bartle

SB 246-Steelman, et al

SB 247-Dolan

SB 248-Gross and Goode

SB 249-Shields and Bland

SB 250-Stoll

SB 251-Childers

SB 252-Steelman

SB 253-Steelman, et al

SB 254-Goode and

Mathewson

SB 255-Kinder

SB 256-Goode, et al

SB 257-Steelman

SB 258-Steelman

SB 259-Steelman

SB 260-Stoll and

Mathewson

SB 261-Clemens

SB 262-Clemens

SB 263-Jacob

SB 264-Shields

SB 265-Shields and Scott

SB 266-Shields and

Kennedy

SB 267-Shields

SB 268-Loudon and Goode

SB 269-Quick

SB 270-Foster and Dolan

SB 271-Jacob

SB 272-Bland, et al

SB 273-Bland, et al

SB 274-Caskey

SB 275-Russell

SB 276-Jacob

SB 277-Jacob

SB 278-Steelman, et al

SB 279-Scott

SB 280-Scott, et al

SB 281-Shields

SB 282-Shields

SB 283-Klindt

SB 284-Loudon

SB 285-Dougherty, et al

SB 286-Dougherty, et al

SB 287-Childers

SB 288-Dolan

SB 289-Dolan, et al

SB 290-Gross and Steelman

SB 291-Caskey

SB 292-Yeckel

SB 293-Vogel

SB 294-Vogel

SB 295-Shields

SB 296-Griesheimer

SB 297-Griesheimer

SB 298-Griesheimer

SB 299-Champion, et al

SB 300-Cauthorn, et al

SB 301-Bray

SB 302-Bray, et al

SB 303-Gibbons

SB 304-Jacob

SB 305-Jacob and Steelman

SB 306-Steelman

SB 307-Steelman

SB 308-Steelman

SB 309-Caskey

SB 310-Caskey

SB 311-Dougherty, et al

SB 312-Dolan, et al

SB 313-Dolan

SB 314-Dolan

SB 315-Steelman

SB 316-Kennedy

SJR 1-Bland

SJR 2-Bland

SJR 3-Gross and Gibbons

SJR 4-Cauthorn

SJR 5-Bland

SJR 6-Bartle

SJR 7-Loudon

SJR 8-Bartle

SJR 9-Yeckel

SJR 10-Yeckel

SJR 11-Bartle

SJR 12-Mathewson and

Goode

SJR 13-Stoll

SJR 14-Jacob

Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY--THURSDAY, JANUARY 23, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"Heaven and earth shall pass away, but my words shall not pass away." (Matthew 24:35)

Lord God, may we always make time for the study of Your word and its lasting impact on our lives and the decisions we make. We pray for Senator Dougherty's wife, Beverly, and ask that Your healing power flow through her body and bring her to full health quickly. And please watch over our "going out and coming in" and bless us, and those we love as we rest in You this weekend. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Gibbons announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33	Absent with leave--Senator Dougherty--1		

RESOLUTIONS

Senator Scott offered Senate Resolution No. 72, regarding Martin W. Rohlfig, Lowry City, which was adopted.

Senator Gibbons offered Senate Resolution No. 73, regarding Gayle Messmann, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 74, regarding Frank Mistretta, D.O.C., Kirkwood, which was adopted.

Senator Cauthorn offered Senate Resolution No. 75, regarding Bruce Oliver, Mexico, which was adopted.

Senator Bland offered Senate Resolution No. 76, regarding Paul E. Moss, Kansas City, which was adopted.

Senators Wheeler, Bartle, Bland, Caskey, DePasco and Quick offered Senate Resolution No. 77, regarding the death of Jerome "Jerry" Cohen, Kansas City, which was adopted.

Senator Gibbons offered the following resolution:

SENATE RESOLUTION NO. 78

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and nine division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

MONTHLY

NO. CLASSIFICATION SALARY RANGE

6 Staff Attorney II 3,001 - 4,554

3 Research Analyst IV 3,001 - 4,554

1 Investigator 2,773 - 4,181

6 Research Staff Secretary 2,287 - 3,925

5 Budget Research Analyst III 3,001 - 4,554

1 Economist 3,001 - 4,554

4 Assistant Secretary of Senate 2,466 - 3,609

2.5 Enrolling & Engrossing Clerk 2,011 - 3,001

1 Billroom Supervisor 2,011 - 2,887

1 Billroom Clerk 1,647 - 2,193

2 Public Information Specialist I 2,011 - 2,887

3 Public Information Specialist II 2,287 - 3,323

1 Photographer 1,810 - 2,517

1 Administrative Assistant 1,500 - 5,723

1 Telecommunications Coordinator 2,565 - 3,763

2.5 Accounting Specialist 2,374 - 3,463

1 Human Resources Specialist 2,374 - 3,463

8 Administrative Secretary 2,287 - 3,925

5 Clerical Assistant 1,800 - 3,190

1 Messenger 1,563 - 2,115

1 Data Control Coordinator 2,374 - 3,463

3 Computer Info. Technology Spec. I 3,323 - 4,966

2 Computer Info. Technology Spec. II 3,925 - 5,662

3 Computer Info. Technologist II 2,666 - 3,925

1 Network/Communications Specialist 3,059 - 4,966

3 Data Entry Operator III 1,748 - 2,420

2 Composing Equipment Operator III 1,939 - 3,001

1 Mailroom Supervisor 2,011 - 2,887

1 Printing Services Technician I 1,511 - 2,005

3 Printing Services Technician II 1,706 - 2,322

3 Printing Services Technician III 1,873 - 2,615

1 Maintenance Supervisor 2,123 - 3,001

1 Carpenter II 2,011 - 2,887

4.5 Custodian II 1,371 - 1,766

1 Custodian III 1,748 - 2,420

1 Maintenance Worker 1,748 - 2,420

0.5 Sergeant at Arms (Elected) 2,287 - 3,323

0.5 Doorkeeper (Elected) 1,451 - 2,172

3.5 Assistant Doorkeeper 1,371 - 1,766

0.5 Reading Clerk 1,371 - 1,766

0.5 Chaplain 500 - 915

1 Security Guard 1,500 - 2,615

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and the Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries

where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2004.

Senator Bland offered Senate Resolution No. 79, regarding the death of Mildred M. Carter, Cocoa Beach, Florida, which was adopted.

CONCURRENT RESOLUTIONS

Senator Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

WHEREAS, Missouri law requires parental consent of at least one parent in order for a minor to obtain an abortion, unless excused by a court; and

WHEREAS, Illinois law contains no such parental consent requirement; and

WHEREAS, as a result, Missouri resident minors may cross the state border to Illinois to access abortion providers in order to avoid state law; and

WHEREAS, Illinois abortion providers advertise in Missouri phone books that "no parental consent (is required) in Illinois", and by so doing, actively encourage the breaking of Missouri law and violation of parental rights over the welfare of their daughters:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby implore the General Assembly of the State of Illinois either to enact a law to require parental consent prior to allowing a minor to obtain an abortion or, if no such law is enacted, that the State of Illinois recognize Missouri law requiring parental consent prior to allowing a minor to obtain an abortion; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to the Governor of Illinois, the President Pro Tempore of the Senate, and the Speaker of the House for the State of Illinois.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 317-By Stoll and Bray.

An Act to repeal section 103.175, RSMo, and to enact in lieu thereof one new section relating to the imposition of a deadline for a study by the board of trustees of Missouri consolidated health care plan.

SB 318-By Stoll.

An Act to repeal section 160.518, RSMo, and to enact in lieu thereof one new section relating to assessment of student academic performance.

SB 319-By Stoll and Gibbons.

An Act to repeal section 574.010, RSMo, and to enact in lieu thereof one new section relating to disturbance of the peace.

SB 320-By Stoll.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating solely to the creation of an earned income tax credit.

SB 321-By Days.

An Act to repeal section 217.730, RSMo, and to enact in lieu thereof one new section relating to voter registration information given upon discharge of an offender.

SB 322-By Days.

An Act to repeal sections 193.125 and 193.255, RSMo, and to enact in lieu thereof two new sections relating to adoption records.

SB 323-By Days and Bray.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

SB 324-By Loudon.

An Act to repeal section 287.210, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

SB 325-By Steelman.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to mandatory assembly for Veterans Day.

SB 326-By Steelman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for veterans.

SB 327-By Gross and Mathewson.

An Act to repeal sections 339.517 and 339.537, RSMo, and to enact in lieu thereof two new sections relating to the real estate appraisers commission.

SB 328-By Coleman.

An Act to repeal section 441.060, RSMo, and to enact in lieu thereof twenty-seven new sections relating to the mobile home landlord and tenant rights act.

SB 329-By Griesheimer.

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof one new section relating to the extension of the waste tire collection fee.

SB 330-By Caskey.

An Act to repeal sections 454.505 and 454.606, RSMo, and to enact in lieu thereof two new sections relating to child support enforcement.

SB 331-By Childers.

An Act to repeal section 301.456, RSMo, and to enact in lieu thereof one new section relating to special license plates.

SB 332-By Childers.

An Act to repeal sections 290.210, 290.220, 290.230, 290.250, 290.260, 290.262, 290.290, and 290.340, RSMo, relating to the prevailing wage, and to enact in lieu thereof eight new sections relating to the same subject.

SB 333-By Childers.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to the prevailing wage.

SB 334-By Goode.

An Act to repeal sections 319.125, 319.127, 319.139, RSMo, and section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof four new sections relating to underground storage tanks.

SB 335-By Goode.

An Act to repeal section 386.570, RSMo, and to enact in lieu thereof one new section relating to penalties for violation of public service commission orders.

SB 336-By Bray.

An Act to repeal sections 135.400, 135.403, 135.408, 135.411, 135.423, 348.300 and 348.302, RSMo, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session, RSMo, and to enact in lieu thereof eight new sections relating to tax relief in distressed communities, with an emergency clause.

SB 337-By Cauthorn, Dolan, Griesheimer, Klindt, Russell, Childers, Kennedy, Clemens, Scott and Nodler.

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school absences for participation in the Missouri state fair.

SB 338-By Cauthorn.

An Act to repeal sections 197.305, 197.317, and 197.318, RSMo, and to enact in lieu thereof three new sections relating to the certificate of need moratorium for long-term beds, with an emergency clause.

SB 339-By Jacob.

An Act to repeal section 393.015, RSMo, and to enact in lieu thereof one new section relating to water corporations.

SB 340-By Wheeler.

An Act to repeal section 86.441, RSMo, and to enact in lieu thereof one new section relating to police relief and pension systems.

SB 341-By Wheeler.

An Act to repeal section 86.690, RSMo, and to enact in lieu thereof four new sections relating to police relief and pension systems.

SB 342-By Dolan and Quick.

An Act to repeal section 87.006, RSMo, and to enact in lieu thereof one new section relating to firemen retirement and relief systems.

SB 343-By Dolan.

An Act to repeal sections 301.141 and 301.142, RSMo, and to enact in lieu thereof four new sections relating to the issuance of disabled license plates, windshield disabled hanging placards and the use of designated disabled parking spaces, with penalty provisions.

SB 344-By Scott.

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to emergency sirens in public schools.

SB 345-By Jacob and Vogel.

An Act to repeal section 478.610, RSMo, and to enact in lieu thereof one new section relating to the number of circuit judges in the thirteenth judicial circuit.

SB 346-By Yeckel.

An Act to repeal sections 173.387, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 369.159, 400.1-103, 400.3-102, 400.4-102, 400.9-626, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.557, 408.653, 408.654, and 443.130, RSMo, and to enact in lieu thereof twenty-two new sections relating to banking, with penalty provisions.

SJR 15-By Gross, Vogel, Kinder, Mathewson, Klindt, Clemens and Russell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, relating to the Missouri citizen's commission on compensation.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Melinda Clark, as a member of the State Board of Senior Services;

Also,

Donald L. McCulloch and Shirley Mae Sweet, as members of the State Board of Barber Examiners;

Also,

James R. Person, Sherman George and William F. Ferrell, as members of the Advisory Committee for 911 Service Oversight;

Also,

John L. Sheets, as a member of the Missouri Dental Board;

Also,

Gary B. O'Neal, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Larry A. Jones, M.D., as a member of the State Mental Health Commission;

Also,

Donna M. Mannello, as a member of the State Board of Health;

Also,

Susan C. Lauritsen, John D. Rogers, Ellen Velie, Peter M. Schloss and Kathleen Carney Bargeon, as members of the Child Abuse and Neglect Review Board;

Also,

Donna M. Vandiver and N. Cheryl Coleman, as members of the Missouri Women's Council;

Also,

Wayne F. Crump and Ansel P. Card, as members of the Board of Probation and Parole;

Also,

Brian S. Conley, M.D. and Richard Ephraim Hillman, M.D., as members of the Missouri Genetic Advisory Committee;

Also,

Paula J. Burnett, as a member of the Advisory Council for Professional Physical Therapists;

Also,

Rita Kay Donovan, as a member of the Elevator Safety Board;

Also,

Timothy R. Koch, as a member of the State Board of Pharmacy;

Also,

Carson Ross, as a member of the Missouri Veterans' Commission;

Also,

Donna S. Cowdrey, as a member of the State Board of Cosmetology;

Also,

Gary F. Toelke, Laura R. Webster and Richard L. Hill, as members of the Peace Officer Standards and Training Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 15--Economic Development, Tourism and Local Government.

SB 17--Economic Development, Tourism and Local Government.

SB 44--Aging, Families, Mental and Public Health.

SB 61--Judiciary and Civil and Criminal Jurisprudence.

SB 65--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 68--Economic Development, Tourism and Local Government.

SB 83--Pensions and General Laws.

SB 84--Agriculture, Conservation, Parks and Natural Resources.

SB 91--Judiciary and Civil and Criminal Jurisprudence.

SB 104--Small Business, Insurance and Industrial Relations.

SB 113--Judiciary and Civil and Criminal Jurisprudence.

SB 115--Aging, Families, Mental and Public Health.

SB 152--Judiciary and Civil and Criminal Jurisprudence.

SB 174--Judiciary and Civil and Criminal Jurisprudence.

SB 198--Judiciary and Civil and Criminal Jurisprudence.

SB 202--Economic Development, Tourism and Local Government.

SB 215--Education.

SB 223--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 226--Transportation.

SB 227--Transportation.

SB 230--Transportation.

SB 231--Judiciary and Civil and Criminal Jurisprudence.

SB 233--Pensions and General Laws.

SB 234--Economic Development, Tourism and Local Government.

SB 235--Economic Development, Tourism and Local Government.

SB 236--Ways and Means.

SB 238--Economic Development, Tourism and Local Government.

SB 239--Economic Development, Tourism and Local Government.

SB 240--Transportation.

SB 242--Judiciary and Civil and Criminal Jurisprudence.

SB 243--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 244--Economic Development, Tourism and Local Government.

SB 245--Education.

SB 246--Commerce and the Environment.

SB 247--Education.

SB 248--Pensions and General Laws.

SB 250--Economic Development, Tourism and Local Government.

SB 251--Education.

SB 252--Commerce and the Environment.

SB 254--Ways and Means.

SB 255--Commerce and the Environment.

SB 256--Judiciary and Civil and Criminal Jurisprudence.

SB 257--Small Business, Insurance and Industrial Relations.

SB 258--Transportation.

SB 259--Transportation.

SB 260--Education.

SB 261--Transportation.

SB 262--Ways and Means.

SB 263--Judiciary and Civil and Criminal Jurisprudence.

SB 264--Education.

SB 265--Education.

SB 266--Aging, Families, Mental and Public Health.

SB 267--Education.

SB 268--Judiciary and Civil and Criminal Jurisprudence.

SB 269--Economic Development, Tourism and Local Government.

SB 270--Transportation.

SB 271--Transportation.

SB 273--Transportation.

SB 274--Small Business, Insurance and Industrial Relations.

SB 275--Economic Development, Tourism and Local Government.

SB 277--Judiciary and Civil and Criminal Jurisprudence.

SB 278--Commerce and the Environment.

SB 281--Economic Development, Tourism and Local Government.

SB 282--Economic Development, Tourism and Local Government.

SB 283--Small Business, Insurance and Industrial Relations.

SB 284--Judiciary and Civil and Criminal Jurisprudence.

SB 286--Education.

SB 287--Small Business, Insurance and Industrial Relations.

SB 289--Transportation.

SB 290--Commerce and the Environment.

SB 299--Governmental Accountability and Fiscal Oversight.

SJR 1--Judiciary and Civil and Criminal Jurisprudence.

SJR 2--Ways and Means.

SJR 3--Ways and Means.

SJR 4--Education.

SJR 5--Ways and Means.

SJR 6--Transportation.

SJR 7--Transportation.

SJR 8--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SJR 11--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SJR 12--Transportation.

SJR 14--Ways and Means.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCR 6**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 6

Rejecting the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, in November 1994, the people of Missouri established in the Missouri Constitution an independent citizen's commission that was given primary responsibility to establish a schedule of compensation for public officials based upon a review and study of the duties of elected state officials, judges and members of the General Assembly; and

WHEREAS, the Commission has faithfully undertaken its responsibility and submitted a compensation schedule that provides for an increase in compensation for the affected public officials in the amount of 5.8% and an increase for judges in the amount of \$6,000 per year; and

WHEREAS, the percentage increase recommended by the Citizen's Commission on Compensation for Elected Officials was based upon recommendations made by the Personnel Advisory Board and the Missouri Commission on Total Compensation for all state employees for fiscal year 2004; and

WHEREAS, the Citizen's Commission report makes clear that the Commission intended public officials should be treated the same as all other state employees; and

WHEREAS, the increases ultimately adopted for all state employees may well not be those recommended by the Commission when its schedule was approved and filed; and

WHEREAS, the General Assembly believes that public officials and judges should not receive any cost-of-living increase in compensation, if at all, in excess of the average salary adjustment provided to other state employees; and

WHEREAS, the Missouri Constitution clearly provides that the recommendations of the Commission are subject to appropriations, and therefore may be reduced or rejected by the General Assembly and no increase shall take effect unless and until appropriated:

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, that we hereby reject the Compensation Schedule of the 2002 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials dated, November 27, 2002.

Read 1st time.

In which the concurrence of the Senate is respectfully requested.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 347-By Loudon, Kinder, Russell, Klindt, Nodler, Shields, Yeckel, Vogel, Foster, Scott and Clemens.

An Act to repeal sections 287.020 and 287.067, RSMo, and to enact in lieu thereof two new sections relating to workers compensation law.

SB 348-By Coleman.

An Act to repeal section 590.653, RSMo, and to enact in lieu thereof one new section relating to civilian review boards.

COMMUNICATIONS

Senator Gibbons submitted the following:

January 23, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted unanimously to approve the 92nd General Assembly's St. Charles County Area Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Members of the St. Charles County Area Caucus:

Senator Chuck Gross Representative Scott Rupp

Senator Jon Dolan Representative Joe Smith

Representative Tom Dempsey Representative Vicki Schneider

Representative Tom Green Representative Cynthia Davis

Representative Carl Bearden Representative Kevin Threlkeld

Representative Sherman Parker

Also,

January 23, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted unanimously to approve the 92nd General Assembly's Life Science Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

List of Members of 92nd General Assembly Life Science Caucus:

Senators:

Michael R. Gibbons Joan Bray

Matt Bartle Maida J. Coleman

David Klindt Ken Jacob

Peter Kinder John T. Russell

Ronnie DePasco Rita Heard Days

Wayne Goode Sarah Steelman

Representatives:

Terry Young Thomas Villa

Michael Spreng Fred Kratky

Mark Abel Sam Page

Jeff Harris Catherine Hanaway

Vicki Walker Jason Crowell

Kate Meiners Richard Byrd

Wes Shoemyer Chuck Purgason

Chuck Graham Bob Behnen

Peter Myers Carl Bearden

Roy Holand Wayne Cooper

Larry Morris Rod Jetton

Also,

January 23, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted unanimously to approve the 92nd General Assembly's Southwest Missouri Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

List of Members of Southwest Missouri Caucus:

Senators:

Delbert Scott Harold Caskey

Doyle Childers Harry Kennedy

Dan Clemens Norma Champion

Gary Nodler Carl Vogel

John T. Russell Sarah Steelman

Representatives:

Dennis Wood Roy W. Holand

Larry Gene Taylor B.J. Marsh

Larry Wilson Mark Wright

Jerry R. King Larry Morris

Edgar G.H. Emery Bradley G. Roark

Steve Hunter Bob Dixon

Bryan P. Stevenson Jay Wasson

Ron Richard Jerry Bough

Kevin Wilson Maynard Wallace

Marilyn Ruestman Van Kelly

Jack Goodman Mike Cunningham

Ronnie Miller Chuck Purgason

Jim Viebrock

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, the Physician of the Day, Dr. Brad Moseley, M.D., Osage Beach.

Senator Loudon introduced to the Senate, Dr. Gordon Thompson, and his wife, Mareta; and Dr. Harry Bozoian, his wife, Delores and their daughter, Linda Jones, Chesterfield.

Senator Bray introduced to the Senate, Dr. Marvin Wallach, D.D.S., and his wife, Mildred, St. Louis County.

Senator Dolan introduced to the Senate, Scott T. Rupp, Wentzville.

Senator Dolan introduced to the Senate, Hariett Brown, St. Charles County.

On motion of Senator Gibbons, the Senate adjourned until 4:00 p.m., Monday, January 27, 2003.

SENATE CALENDAR

TENTH DAY-MONDAY, JANUARY 27, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 35-Loudon

SB 128-Bland

SB 135-Goode

SB 161-Bland

SB 164-Bland

SB 172-Goode

SB 207-Mathewson

SB 222-Steelman, et al

SB 225-Klindt, et al

SB 241-Yeckel

SB 249-Shields and Bland

SB 253-Steelman, et al

SB 272-Bland, et al

SB 276-Jacob

SB 279-Scott

SB 280-Scott, et al

SB 285-Dougherty, et al

SB 288-Dolan

SB 291-Caskey

SB 292-Yeckel

SB 293-Vogel

SB 294-Vogel

SB 295-Shields

SB 296-Griesheimer

SB 297-Griesheimer

SB 298-Griesheimer

SB 300-Cauthorn, et al

SB 301-Bray

SB 302-Bray, et al

SB 303-Gibbons

SB 304-Jacob

SB 305-Jacob and Steelman

SB 306-Steelman

SB 307-Steelman

SB 308-Steelman

SB 309-Caskey

SB 310-Caskey

SB 311-Dougherty, et al

SB 312-Dolan, et al

SB 313-Dolan

SB 314-Dolan

SB 315-Steelman

SB 316-Kennedy

SB 317-Stoll and Bray

SB 318-Stoll

SB 319-Stoll and Gibbons

SB 320-Stoll

SB 321-Days

SB 322-Days

SB 323-Days and Bray

SB 324-Loudon

SB 325-Steelman

SB 326-Steelman

SB 327-Gross and Mathewson

SB 328-Coleman

SB 329-Griesheimer

SB 330-Caskey

SB 331-Childers

SB 332-Childers

SB 333-Childers

SB 334-Goode

SB 335-Goode

SB 336-Bray

SB 337-Cauthorn, et al

SB 338-Cauthorn

SB 339-Jacob

SB 340-Wheeler

SB 341-Wheeler

SB 342-Dolan and Quick

SB 343-Dolan

SB 344-Scott

SB 345-Jacob and Vogel

SB 346-Yeckel

SB 347-Loudon, et al

SB 348-Coleman

SJR 9-Yeckel

SJR 10-Yeckel

SJR 13-Stoll

SJR 15-Gross, et al

RESOLUTIONS

SR 78-Gibbons

To be Referred

SCR 3-Loudon

HCS for HCR 6-Bruns, et al

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY--MONDAY, JANUARY 27, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"God opposes the proud, but gives grace to the humble." (1Peter 5:5)

Gracious God, order our footsteps by Your Word and our hearts by Your directing so we may be about the things that we have been elected to do, our conscience clear, and our decisions and lives righteous. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 23, 2003, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator DePasco--1			

RESOLUTIONS

Senator Foster offered Senate Resolution No. 80, regarding Jonathan P. Morse, Poplar Bluff, which was adopted.

Senator Russell offered Senate Resolution No. 81, regarding Dan E. Jarvis, Arcadia Valley, which was adopted.

Senator Vogel offered Senate Resolution No. 82, regarding the One Hundredth Birthday of William Harry Kallenbach, which was adopted.

Senator Dougherty offered Senate Resolution No. 83, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Allan Cohen, St. Ann, which was adopted.

Senator Vogel offered Senate Resolution No. 84, regarding Gary Hoskins, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 85, regarding the Ninetieth Birthday of Dr. Thomas W. Nelson, Jefferson City, which was adopted.

Senator Stoll offered Senate Resolution No. 86, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Gary Cronin, Festus, which was adopted.

Senator Bland offered Senate Resolution No. 87, regarding Willie McCann, Kansas City, which was adopted.

Senator Gibbons moved that **SR 78** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **SR 78** was adopted.

CONCURRENT RESOLUTIONS

Senator Jacob offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

Relating to approval for the Curators of the University of Missouri to enter into a long-term ground lease of certain real property owned by the University and located in the City of Columbia for the purpose of construction of a hotel/convention center complex on said real property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the Curators of the University of Missouri, a public corporation of the State of Missouri, own certain real property located in the City of Columbia, Boone County, Missouri, more particularly described as follows:

A tract of land being part of the southeast quarter of Section 13, Township 48 North, Range 13 West; part of the southwest quarter of Section 18, Township 48 North, Range 12 West and part of the northwest quarter of Section 19, Township 48 North, Range 12 West in Columbia, Boone County, Missouri.

Starting at the southeast corner of Section 13, Township 48 North, Range 13 West; thence N 1 15'E, along the range line, 104.73 feet to the north right-of-way of Stadium Boulevard (State Route 740), the point of beginning.

From the point of beginning and following said right-of-way N 88 18'W 47.10 feet; thence N 88 54'W 209.92 feet; thence North 44 10'W 85.00 feet; thence 89 06'W 15.50 feet to the east line of Monk Drive; thence N 1 15'E, along said line 737.00 feet to the south line of Hospital Drive; thence S 89 05'E, along said line 140 feet; thence northeasterly, continuing along said line 860 feet; thence easterly, continuing along the south line of Hospital Drive 440 feet to the west line of College Avenue (State Route 763); thence south, along said line 300 feet; thence southwesterly, continuing along the west line of College Avenue being a curve to the right 1130 feet to the north line of Stadium Boulevard; thence northwesterly, along said line being a curve to the left 750 feet to the beginning.

WHEREAS, the Curators of the University of Missouri intend to issue a "Request for Proposals" (RFP) for the construction of a hotel/convention center complex on said property and intend to use the proceeds derived from the lease of a portion of the above described property to the successful respondent toward the construction of a Performing Arts Center to be located on a portion of the described real property for the University of Missouri-Columbia; and

WHEREAS, the Curators of the University of Missouri intend to include all of the following principles in the "Request for Proposals" (RFP) for this University of Missouri-Columbia project:

- (1) The University will not own or operate the hotel/convention center complex;
- (2) The University intends to lease the real property for a term not to exceed 50 years;
- (3) The University intends to encourage as many interested parties as possible to respond to the RFP; and
- (4) The University will expect the successful respondent to pay all applicable taxes, including but not limited to personal property and real property taxes as assessed by governmental entities:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby approve the Curators of the University of Missouri entering into a long-term ground lease with the successful respondent, as determined by the Curators of the University of Missouri, of the real property described above for the purpose of the construction of a hotel/convention center complex on said real property; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 349-By Dougherty, Bray, Coleman, Kennedy, DePasco, Mathewson, Wheeler, Cauthorn, Bland, Quick, Shields, Griesheimer, Days, Dolan and Stoll.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health care.

SB 350-By Dougherty, Bray, Dolan, Coleman, Griesheimer, Kennedy, DePasco, Mathewson, Wheeler, Cauthorn, Bland, Quick, Shields, Days and Stoll.

An Act to repeal section 376.1250, RSMo, and to enact in lieu thereof one new section relating to health care.

SB 351-By Dougherty.

An Act to repeal section 194.220, RSMo, and to enact in lieu thereof one new section relating to health care.

SB 352-By Griesheimer.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to assault committed in a hospital or trauma center, with penalty provisions.

SB 353-By Stoll.

An Act to amend chapter 620, RSMo, by adding thereto nine new sections relating to science and mathematics education.

SB 354-By Stoll.

An Act to repeal section 163.021, RSMo, and to enact in lieu thereof one new section relating to the analysis of state school aid equity and adequacy.

SB 355-By Stoll.

An Act to repeal section 301.020, RSMo, and to enact in lieu thereof one new section relating to the organ donor program, with penalty provisions.

SB 356-By Stoll.

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to organ donations.

SB 357-By Shields.

An Act to repeal section 536.110, RSMo, and to enact in lieu thereof one new section relating to venue in administrative actions involving real property.

SB 358-By Shields.

An Act to repeal section 115.073, RSMo, and to enact in lieu thereof one new section relating to general expenses of elections paid by certain political subdivisions.

SB 359-By Childers.

An Act to repeal sections 105.483, 137.073, 160.530, 160.545, 162.081, 163.014, 163.015, 163.021, 163.022, 163.023, 163.025, 163.028, 163.031, 163.032, 163.034, 163.035, 163.161, 163.172, 168.021, 168.500, 168.505, 168.510, 168.515, 168.520, and 171.031, RSMo, and to enact in lieu thereof eleven new sections relating to education, with a referendum clause.

SB 360-By Steelman, Klindt, Cauthorn, Russell and Griesheimer.

An Act to repeal section 444.772, RSMo, and to enact in lieu thereof one new section relating to surface mining permit fees.

SB 361-By Steelman.

An Act to repeal section 260.273, RSMo, relating to waste tires, and to enact in lieu thereof one new section relating to the same subject.

SB 362-By Steelman and Gross.

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco settlement agreement, with penalty provisions and an emergency clause.

SB 363-By Jacob.

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of money from the gaming commission fund.

SB 364-By Yeckel.

An Act to repeal sections 408.140 and 408.233, RSMo, and to enact in lieu thereof two new sections relating to charges for processing refused instruments.

SB 365-By Yeckel.

An Act to repeal sections 408.140 and 408.233, RSMo, and to enact in lieu thereof two new sections relating to charges for late payments in certain contracts.

SB 366-By Scott, Steelman, Nodler and Gross.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to the approval of certain gas and electrical facilities by the public service commission.

SB 367-By Scott.

An Act to repeal sections 313.057 and 313.810, RSMo, and to enact in lieu thereof two new sections relating to licensing requirements, with penalty provisions.

SB 368-By Gibbons.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

SB 369-By Gibbons.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to friends of kids with cancer special license plates.

REFERRALS

President Pro Tem Kinder referred **SCR 3** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCS for **HCR 6**--Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 280--Judiciary and Civil and Criminal Jurisprudence.

SB 291--Ways and Means.

SB 292--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 293--Ways and Means.

SB 294--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 295--Economic Development, Tourism and Local Government.

SB 296--Education.

SB 297--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 298--Commerce and the Environment.

SB 300--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 301--Economic Development, Tourism and Local Government.

SB 302--Judiciary and Civil and Criminal Jurisprudence.

SB 303--Aging, Families, Mental and Public Health.

SB 304--Ways and Means.

SB 305--Ways and Means.

SB 306--Aging, Families, Mental and Public Health.

SB 307--Aging, Families, Mental and Public Health.

SB 308--Aging, Families, Mental and Public Health.

SB 309--Ways and Means.

SB 310--Judiciary and Civil and Criminal Jurisprudence.

SB 311--Aging, Families, Mental and Public Health.

SB 312--Judiciary and Civil and Criminal Jurisprudence.

SB 313--Small Business, Insurance and Industrial Relations.

SB 314--Transportation.

SB 315--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 316--Small Business, Insurance and Industrial Relations.

SB 317--Small Business, Insurance and Industrial Relations.

SB 318--Education.

SB 319--Judiciary and Civil and Criminal Jurisprudence.

SB 320--Ways and Means.

SB 321--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 322--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 323--Judiciary and Civil and Criminal Jurisprudence.

SB 324--Small Business, Insurance and Industrial Relations.

SB 325--Education.

SB 326--Ways and Means.

SB 327--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 329--Commerce and the Environment.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lewis C. Chartock, Ph. D., 532 Midvale Avenue, St. Louis, St. Louis County, Missouri 63130, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen L. Daniel, Democrat, 11900 Pennsylvania Street, Kansas City, Jackson County, Missouri 64145, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2006, and until her successor is duly appointed and qualified; vice, RSMo 174.332.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James Michael DiPardo, Democrat, 13964 County Road 3630, St. James, Phelps County, Missouri 65559, as a member of the Land Reclamation Commission, for a term ending September 28, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christopher J. Maglio, 2001 West Missouri Street, Kirksville, Adair County, Missouri 63501, as a member of the State Committee of Psychologists, for a term ending August 29, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David J. Malmo, Republican, 21809 Stone Lea Circle, Sedalia, Pettis County, Missouri 65301, as a member of the State Fair Commission, for a term ending December 29, 2004, and until his successor is duly appointed and qualified; vice, Larry Foster, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wayne Mueller, 509 Riverchase Circle, Fenton, St. Louis County, Missouri 63026, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nancy Samp, 2411 Beasley Court, Apartment B, Jefferson City, Cole County, Missouri 65101, as a public member of the State Board of Cosmetology, for a term ending August 16, 2006, and until her successor is duly appointed and qualified; vice, John Teale, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald M. Schneider, Republican, 1942 Still Creek Pass, Wildwood, St. Louis County, Missouri 63011, as a member of the Northwest Missouri

State University Board of Regents, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, RSMo 174.332.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Angela Wasson-Hunt, 412 Northwest 43rd Terrace, Kansas City, Clay County, Missouri 64116, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2006, and until her successor is duly appointed and qualified; vice, Dennis Eckold, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

The following message was received from the Governor, which was read:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 27, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 8, 2003 for your advice and consent:

Robert W. Fry, 4155 Allison Drive, Fulton, Callaway County, Missouri 65251, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2003, and until his

successor is duly appointed and qualified; vice, Dallas Dickens, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Mrs. Jean Ehlmann, and students from St. Charles High School, St. Charles.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

ELEVENTH DAY-TUESDAY, JANUARY 28, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 35-Loudon

SB 128-Bland

SB 135-Goode

SB 161-Bland

SB 164-Bland

SB 172-Goode

SB 207-Mathewson

SB 222-Steelman, et al

SB 225-Klindt, et al

SB 241-Yeckel

SB 249-Shields and Bland

SB 253-Steelman, et al

SB 272-Bland, et al

SB 276-Jacob

SB 279-Scott

SB 285-Dougherty, et al

SB 288-Dolan

SB 328-Coleman

SB 330-Caskey

SB 331-Childers

SB 332-Childers and Foster

SB 333-Childers

SB 334-Goode

SB 335-Goode

SB 336-Bray

SB 337-Cauthorn, et al

SB 338-Cauthorn

SB 339-Jacob

SB 340-Wheeler

SB 341-Wheeler

SB 342-Dolan and Quick

SB 343-Dolan

SB 344-Scott

SB 345-Jacob and Vogel

SB 346-Yeckel

SB 347-Loudon, et al

SB 348-Coleman

SB 349-Dougherty, et al

SB 350-Dougherty, et al

SB 351-Dougherty

SB 352-Griesheimer

SB 353-Stoll

SB 354-Stoll

SB 355-Stoll

SB 356-Stoll

SB 357-Shields

SB 358-Shields

SB 359-Childers

SB 360-Steelman, et al

SB 361-Steelman

SB 362-Steelman and Gross

SB 363-Jacob

SB 364-Yeckel

SB 365-Yeckel

SB 366-Scott, et al

SB 367-Scott

SB 368-Gibbons

SB 369-Gibbons

SJR 9-Yeckel

SJR 10-Yeckel

SJR 13-Stoll

SJR 15-Gross, et al

RESOLUTIONS

To be Referred

SCR 4-Jacob

Journal of the Senate

FIRST REGULAR SESSION

ELEVENTH DAY--TUESDAY, JANUARY 28, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Bless the Lord, O my soul, and do not forget all his benefits." (Psalm 103:2)

Gracious Father, make us ever mindful of Your gifts that we benefit from, the rain that waters the earth, the sun that warms us, people whom we serve and those we are given to love. All we have has come from Your gracious hand and we are the stewards who are to be wise in the distribution of these resources and find ways to increase their usefulness. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33	Absent with leave--Senator DePasco--1		

RESOLUTIONS

Senator Gross offered Senate Resolution No. 88, regarding Mary A. Morak, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 89, regarding Thomas R. "Tom" Hughes, St. Charles, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 370--By Foster.

An Act to repeal section 44.090, RSMo, and to enact in lieu thereof one new section relating to emerging mutual-aid agreements.

SB 371--By Foster.

An Act to repeal sections 173.355 and 173.385, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education loan authority.

SB 372--By Yeckel, Clemens, Childers and Coleman.

An Act to amend chapter 334, RSMo, by adding thereto seventeen new sections relating to the regulation and licensing of the practice of naturopathic medicine, with penalty provisions.

SB 373--By Bartle.

An Act to repeal sections 301.210, 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof five new sections relating to warehouse and self-service storage facilities.

SB 374--By Shields, Vogel, Cauthorn and Klindt.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employees' salaries.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCR 6**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HCR 6** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 128--Ways and Means.

SB 135--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 161--Transportation.

SB 164--Transportation.

SB 207--Commerce and the Environment.

SB 222--Economic Development, Tourism and Local Government.

SB 225--Aging, Families, Mental and Public Health.

SB 279--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 288--Judiciary and Civil and Criminal Jurisprudence.

SB 328--Small Business, Insurance and Industrial Relations.

SB 330--Judiciary and Civil and Criminal Jurisprudence.

SJR 15--Financial and Governmental Organization, Veterans' Affairs and Elections.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 375--By Steelman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to enterprise zones.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 4--Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Gibbons, the Senate recessed until 10:35 a.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HCR 6**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 1**.

Concurrent Resolution ordered enrolled.

COMMUNICATIONS

Senator Gibbons submitted the following:

January 28, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in Senate Committee Room 2. All members present voted unanimously to approve the 92nd General Assembly's Missouri Sportsmen's Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Members of the Missouri Sportsmen's Caucus:

Senators:

Chuck Gross Matt Bartle

David G. Klindt John Cauthorn

Wayne Goode Jon Dolan

Doyle Childers Dan Clemens

Delbert Scott Carl M. Vogel

John E. Griesheimer Harold L. Caskey

John T. Russell

Representatives:

Mark Hampton Mark Abel

Randy Angst Frank Barnitz

Carl Bearden Robert Behnen

Walt Bivins Rachel Bringer

Jason Brown Russ Carnahan

Shannon Cooper Larry Crawford

Mike Cunningham Bruce Darrough

Mike Dethrow Bob Dixon

Curt Dougherty Ed Emery

Kevin Engler Doug Ervin

Kathlyn Fares Jack Goodman

Chuck Graham Tom Green

Jim Guest Belinda Harris

Roy Holand Steve Hunter

Allen Icet Jack Jackson

Rod Jetton Gary Kelly

Jerry King J.C. Kuessner

Paul LeVota Albert Liese

Blaine Luetkemeyer Bob May

Rober Mayer Ryan McKenna

Kate Meiners Brian Munzlinger

Peter Myers Brian Nieves

Charles Portwood Bryan Pratt

Chuck Purgason John Quinn

Bill Ransdall Ronald Richard

Scott Rupp Therese Sander

Vicki Schneider James Seigfreid

Tom Self Chris Shoemaker

Wes Shoemyer Trent Skaggs

Joe Smith Bryan Stevenson

Mike Sutherland Larry Taylor

Merrill Townley Wes Wagner

Jay Wasson Jim Whorton

Ed Wildberger Philip Willoughby

Terry Witte Mark Wright

Patricia Yaeger

INTRODUCTIONS OF GUESTS

Senator Stoll introduced to the Senate, members of Jefferson County Community Partnership, Jefferson County.

Senator Jacob introduced to the Senate, the Physician of the Day, Stephen T. Keithahn, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWELFTH DAY-WEDNESDAY, JANUARY 29, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 35-Loudon

SB 172-Goode

SB 241-Yeckel

SB 249-Shields and Bland

SB 253-Steelman, et al

SB 272-Bland, et al

SB 276-Jacob

SB 285-Dougherty, et al

SB 331-Childers

SB 332-Childers and Foster

SB 333-Childers

SB 334-Goode

SB 335-Goode

SB 336-Bray

SB 337-Cauthorn, et al

SB 338-Cauthorn

SB 339-Jacob

SB 340-Wheeler

SB 341-Wheeler

SB 342-Dolan and Quick

SB 343-Dolan

SB 344-Scott

SB 345-Jacob and Vogel

SB 346-Yeckel

SB 347-Loudon, et al

SB 348-Coleman

SB 349-Dougherty, et al

SB 350-Dougherty, et al

SB 351-Dougherty

SB 352-Griesheimer

SB 353-Stoll

SB 354-Stoll

SB 355-Stoll

SB 356-Stoll

SB 357-Shields

SB 358-Shields

SB 359-Childers

SB 360-Steelman, et al

SB 361-Steelman

SB 362-Steelman and Gross

SB 363-Jacob

SB 364-Yeckel

SB 365-Yeckel

SB 366-Scott, et al

SB 367-Scott

SB 368-Gibbons

SB 369-Gibbons

SB 370-Foster

SB 371-Foster

SB 372-Yeckel, et al

SB 373-Bartle

SB 374-Shields, et al

SB 375-Steelman

SJR 9-Yeckel

SJR 10-Yeckel

SJR 13-Stoll

RESOLUTIONS

Reported from Committee

HCS for HCR 6-Bruns,

et al (Gross)

Journal of the Senate

FIRST REGULAR SESSION

TWELFTH DAY--WEDNESDAY, JANUARY 29, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"For whoever finds me finds life and receives favor from the Lord." (Proverbs 8:35)

O God, You are wisdom. Our intellect comes from our life experiences, from what we have seen and know. But wisdom comes from You, O God, knowing Your teachings and following Your way. Grant us wisdom to love, seek and serve You with our whole hearts for the time for such is here. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Gibbons announced that photographers from KSDK-TV and KMOV-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33	Absent with leave--Senator DePasco--1		

RESOLUTIONS

Senator Gross offered Senate Resolution No. 90, regarding Benjamin Scott "Ben" Parsons, St. Peters, which was adopted.

Senator Caskey offered Senate Resolution No. 91, regarding Ian David Ewing, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 92, regarding Patrick Jack Woods, Holden, which was adopted.

Senator Caskey offered Senate Resolution No. 93, regarding Michael Shane Glazier, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 94, regarding Levi Donald Hale, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 95, regarding Mark Andrew Bendorf, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 96, regarding Nathan Joseph "Nate" Collins, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 97, regarding Jeffrey Patrick "Jeff" Hendricks, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 98, regarding Justin Lloyd Hedricks, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 99, regarding Matthew E. Higgins, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 100, regarding Joseph Robert "Joey" Audsley, Warrensburg, which was adopted.

Senator Foster offered Senate Resolution No. 101, regarding Andrew Jackson, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 102, regarding Jason Payton, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 103, regarding Chad Doolen, Piedmont, which was adopted.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following committee: Joint Committee on Legislative Research: Senators Nodler, Chair, Bartle, Gibbons, Gross, Russell, Shields, Bray, Caskey, DePasco and Dougherty.

CONCURRENT RESOLUTIONS

Senator Gross moved that **HCS** for **HCR 6** be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **HCR 6**, entitled:

An Act rejecting the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

Was taken up.

On motion of Senator Gross, **HCS** for **HCR 6** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			

The President declared the concurrent resolution passed.

On motion of Senator Gross, title to the concurrent resolution was agreed to.

Senator Gross moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 376-By Caskey.

An Act to repeal section 58.096, RSMo, and to enact in lieu thereof one new section relating to deputy coroners.

SB 377-By Childers.

An Act to amend chapter 538, RSMo, by adding thereto one new section relating to medical malpractice prevention tax, with penalty provisions.

SB 378-By Steelman.

An Act to amend chapter 573, RSMo, by adding thereto one new section relating to adult cabarets, with penalty provisions.

SB 379-By Champion.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.

SB 380-By Cauthorn.

An Act to repeal section 198.300, RSMo, and to enact in lieu thereof two new sections relating to nursing home districts.

SB 381-By Dolan.

An Act to repeal section 307.020, RSMo, and to enact in lieu thereof one new section relating to the use of headlights.

SB 382-By Dolan.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special olympic license plates.

SB 383-By Dolan.

An Act to repeal section 59.330, RSMo, and to enact in lieu thereof one new section relating to recording documents.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 1**, begs

leave to report that it has examined the same and finds that the concurrent resolution has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Kinder assumed the Chair.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **SCR 1**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

Senator Shields assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, which were read:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 28, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 8, 2003 for your advice and consent:

Robert L. Langdon, 766 Highland Avenue, Lexington, Lafayette County, Missouri 64067, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2008, and until his successor is duly appointed and qualified; vice, Adam Fischer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 28, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert L. Langdon, 766 Highland Avenue, Lexington, Lafayette County, Missouri 64067, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2008, and until his successor is duly appointed and qualified; vice, Adam Fischer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointment to the Committee on Gubernatorial Appointments.

Senator Childers assumed the Chair.

Senator Shields assumed the Chair.

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, Dr. and Mrs. Frank McGinty, Cape Girardeau; and Physicians and Surgeons from the Missouri Academy of Family Physicians, the Missouri State Medical Association and the Missouri Society of Osteopathic Physicians.

Senator Loudon introduced to the Senate, Dr. Eric James, Detra C., Jason and Jasmine Aubert, Maryland Heights; and Girard Aubert, Houston, Texas.

Senator Champion introduced to the Senate, Jerany Jackson, Springfield.

Senator Steelman introduced to the Senate, Dr. and Mrs. Barry Bass, Dr. and Mrs. James Bass, Dr. Tim Martin, Dr. John Hexum, Dr. and Mrs. Sudhir Batcher, Dr. Rachelle Gorrell, Drs. Debbie and Jim McCaul, Dr. Sharon Anderson and Michael Anderson, Rolla.

Senator Cauthorn introduced to the Senate, Terry Mackey, Mexico; and doctors from northeast Missouri.

Senator Cauthorn introduced to the Senate, the Physician of the Day, Dr. Carl R. Kruse, M.D., Palmyra.

Senator Dolan introduced to the Senate, Dr. Delbert Moeller, M.D., Dr. Kevin Weikart, M.D., Dr. John McCallister II, M.D., Dr. Peter Montgomery, M.D., Dr. James Peterson, M.D., Dr. Nancy Mabe, M.D., Dr. J. Stephen Scott, M.D., Dr. Don Mogermann, Dr. Linda C. Steele-Green, M.D., Rev. Ken Green, Dr. Brian Andrews, Dr. Thomas P. Hanley and Dr. John Hamilton, St. Charles County.

Senator Griesheimer introduced to the Senate, Larry and Joy Gerstein, Washington.

Senator Yeckel introduced to the Senate, Meghana Patel, Katie Forand and members of Phi Sigma Pi Honor Fraternity, Kirksville.

Senator Bland introduced to the Senate, Dr. Sharon Harris Baugh, Kansas City.

Senator Kennedy introduced to the Senate, Antoinette Filla and Dr. Flauvis Pernoud, St. Louis; and Dr. John Fitz, Farmington.

On behalf of Senator Shields, the President introduced to the Senate, Dr. Gary Dyer, St. Joseph.

Senator Wheeler introduced to the Senate, Dr. Deborah Jantsch, Kansas City.

On behalf of Senator Jacob and himself, Senator Russell introduced to the Senate, Michael Yoakum, Columbia.

Senator Clemens introduced to the Senate, Mayor Keith Miller, and his son, Christopher, Republic; and Christopher was made an honorary page.

Senator Loudon introduced to the Senate, Dr. Jackie Turner, Dr. Brent Allen, M.D., Dr. Kevin Johnson, Dr. Barry Abramson, Dr. Isabel Rener, Dr. Ronald DeGuerre, Dr. Steven M. Johnson, Dr. Jovita Onavari, Dr. Dan Schwarze, M.D., Dr. Darrell M. Pitt, D.O., Dr. J. Gold, Dr. Seth Barbanell, Dr. Demetrios Politis, D.O., Dr. Daniel Scodary, Dr. Levi Kirkland, Dr. Artun Bhattacharya, M.D., Dr. Eric Whitman, M.D., Dr. Jackie Turner, Dr. James King, M.D., Dr. Marcellus R. Lawrence, M.D., Dr. Christopher S. Pruett, M.D., Dr. Harry Eggleston, M.D. and Dr. William G. Ridgeway, M.D., St. Louis; Dr. G. Koenig, M.D., Florissant; Dr. Barry Miller, D.O., Ellisville; Dr. Andrew Chao, D.O., Dr. Jeffrey Zuke, M.D., Dr. Edmond Cabbabe, M.D., Dr. Daniel Baumann, M.D. and Dr. Suresh Nellore, Town and Country; Dr. Heather Williamson, D.O. and Dr. Stephen Oppenheim, M.D., Creve Coeur; Dr. A. Jafri and Dr. D. Gangasingh, M.D., Bridgeton; Dr. John E. Emmont, D.O. and Dr. Delbert T. Escher, Jr., Ballwin; and Dr. Sidney Bennett, Dr. Elie Azrak, M.D., Dr. Charles Mannis, M.D., Dr. Joe Slimack, Dr. Ravi Johar, Dr. Richard S. Lennend, Dr. Scott Lieberman, M.D., Dr. Adolphus Favoksi, Dr. Robert Heim and Dr. Carrie Morrison, M.D., Chesterfield.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTEENTH DAY-THURSDAY, JANUARY 30, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 35-Loudon

SB 172-Goode

SB 241-Yeckel

SB 249-Shields and Bland

SB 253-Steelman, et al

SB 272-Bland, et al

SB 276-Jacob

SB 285-Dougherty, et al

SB 331-Childers

SB 332-Childers and Foster

SB 333-Childers

SB 334-Goode

SB 335-Goode

SB 336-Bray

SB 337-Cauthorn, et al

SB 338-Cauthorn

SB 339-Jacob

SB 340-Wheeler

SB 341-Wheeler

SB 342-Dolan and Quick

SB 343-Dolan

SB 344-Scott

SB 345-Jacob and Vogel

SB 346-Yeckel

SB 347-Loudon, et al

SB 348-Coleman

SB 349-Dougherty, et al

SB 350-Dougherty, et al

SB 351-Dougherty

SB 352-Griesheimer

SB 353-Stoll

SB 354-Stoll

SB 355-Stoll

SB 356-Stoll

SB 357-Shields

SB 358-Shields

SB 359-Childers

SB 360-Steelman, et al

SB 361-Steelman

SB 362-Steelman and Gross

SB 363-Jacob

SB 364-Yeckel

SB 365-Yeckel

SB 366-Scott, et al

SB 367-Scott

SB 368-Gibbons

SB 369-Gibbons

SB 370-Foster

SB 371-Foster

SB 372-Yeckel, et al

SB 373-Bartle

SB 374-Shields, et al

SB 375-Steelman

SB 376-Caskey

SB 377-Childers

SB 378-Steelman

SB 379-Champion

SB 380-Cauthorn

SB 381-Dolan

SB 382-Dolan

SB 383-Dolan

SJR 9-Yeckel

SJR 10-Yeckel

Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY--THURSDAY, JANUARY 30, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"Take care that you do not forget the Lord your God." (Deuteronomy 8:11a)

Lord God, let us never forget You nor how loving and gracious You are to us. You have blessed us with good work to do and given us joy and friendship for which we give You thanks and praise. May we rejoice in Your presence as we share the warmth of love with those who love us in Your holy house remembering all Your goodness to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator DePasco--1			

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 104, regarding Ron Coleman, Lohman, which was adopted.

Senator Vogel offered Senate Resolution No. 105, regarding Nathan P. Wood, New Bloomfield, which was adopted.

Senator Vogel offered Senate Resolution No. 106, regarding Brooks P. Luebbering, New Bloomfield, which was adopted.

Senator Klindt offered Senate Resolution No. 107, regarding Lucas James Cavin, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 108, regarding Aaron Mark Dunn, Wheeling, which was adopted.

Senator Klindt offered Senate Resolution No. 109, regarding Nicholas Jordan Hager, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 110, regarding Michael Wayne Marriott, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 111, regarding Clinton Paul Macoubrie, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 112, regarding Christopher Phillip Thistlethwaite, Chillicothe, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 113

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Rotary Club has sought to instill values of high integrity within our youth and provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for beneficial purposes:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, hereby grant the Rotary Club permission to use the Senate Chamber for the purpose of conducting its Student Government Day on Monday, March 24, 2003, from 9 a.m. to 12:00 noon.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 113** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 113** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 114

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic processes of government.

NOW, THEREFORE, BE IT RESOLVED, by the members of the Missouri Senate, Ninety-Second General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on October 4, 2003, for the purposes of a citizens assembly and workshops.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 114** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 114** was adopted.

Senate Quick offered Senate Resolution No. 115, regarding Edward W. Whiteman, D.D.S., Liberty, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 384-By Dolan.

An Act to repeal section 304.015, RSMo, and to enact in lieu thereof one new section relating to right-hand lane restrictions for certain motor vehicles, with penalty provisions.

SB 385-By Scott.

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof one new section relating to approval of workers' compensation policies and deductible plans.

SB 386-By Cauthorn.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to respect life license plates.

SB 387-By Cauthorn.

An Act to amend chapter 383, RSMo, by adding thereto one new section relating to medical malpractice insurance rates.

SB 388-By Klindt, Cauthorn, Russell, Childers, Griesheimer, Clemens, Steelman, Scott, Shields, Kennedy, Mathewson and Coleman.

An Act to repeal sections 348.195 and 348.210, RSMo, and to enact in lieu thereof two new sections relating to loan guarantees.

SB 389-By Steelman.

An Act to repeal section 523.040, RSMo, and to enact in lieu thereof one new section relating to eminent domain.

SB 390-By Jacob.

An Act to repeal sections 31.010, 104.342, 104.1200, 172.035, 174.020, 174.450, 174.500, 176.010, 261.023, 262.060, 262.080, and 262.090, RSMo, and to enact in lieu thereof thirteen new sections relating to state institutions of higher education, with an effective date.

SB 391-By Shields, Gibbons, Wheeler, Dolan, Steelman, Kennedy, Klindt, Bartle, Vogel, Dougherty, Yeckel, Cauthorn, Jacob, DePasco and Kinder.

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to pain management.

SB 392-By Shields.

An Act to repeal sections 260.475 and 260.479, RSMo, and to enact in lieu thereof two new sections relating to hazardous waste generator fees.

SB 393-By Coleman, Bland, Bray and Days.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to emergency contraception.

SB 394-By Bartle.

An Act to repeal sections 351.046, 351.182, 351.268, 351.315, 351.320, and 351.385, RSMo, and to enact in lieu thereof seven new sections relating to general and business corporations.

SB 395-By Bartle.

An Act to repeal sections 351.055 and 351.455, RSMo, and to enact in lieu thereof two new sections relating to general and business corporations.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Jerome J. Govero, as a member of the Environmental Improvement and Energy Resources Authority;

Also,

Antoinette M. Filla, as a member of the Missouri Emergency Response Commission;

Also,

June Doughty, as a member of the Administrative Hearing Commission;

Also,

Bryan L. Forbis, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Meg K. McLaughlin, Robert B. Herrmann, Ph.D., Phyllis J. Steckel and Gregory L. Hempen, as members of the Seismic Safety Commission;

Also,

Sharon K. Lowman and James A. Hendren, as members of the Missouri Real Estate Appraisers Commission;

Also,

John G. Kruse, as a member of the Board of Trustees of the Public School Retirement System;

Also,

Lisa M. Woods, as a member of the Missouri Genetic Advisory Committee;

Also,

Jean A. Stark, D.V.M., as a member of the Missouri Veterinary Medical Board;

Also,

Stephen M. Calloway and Peggy Wanner-Barjenbruch, M.D., as members of the Drug Utilization Review Board;

Also,

Sarah E. Giboney, Steven R. Wilhelm, Gerald J. Zafft, Harold D. Cleberg and Mary S. Ireland, as members of the Missouri Family Trust Board of Trustees;

Also,

Michael J. Quinn, as a member of the St. Louis City Board of Police Commissioners;

Also,

Abdeldjelil "D.J." Belarbi, Ph.D., as a member of the Missouri Commission on Human Rights;

Also,

Norella V. Huggins, as a member of the Hazardous Waste Management Commission;

Also,

Kenneth G. McGhee and Joy M. Gerstein, as members of the State Board of Embalmers and Funeral Directors;

Also,

Jay L. Schulteheinrich, as a member of the State Board of Mediation;

Also,

Sherry S. Jones, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Eric J. Aubert, D.M.D., as a member of the Missouri Dental Board;

Also,

Ernest Z. Adelman, as a member of the Board of Governors for Central Missouri State University;

Also,

Bryon T. Koster and Terry M. Mackey, as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Jerany L. Jackson, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects;

Also,

Anne C. Gardner and Vicky L. Weimholt, as members of the Personnel Advisory Board;

Also,

Barbara B. Adelman, as a member of the Dam and Reservoir Safety Council;

Also,

Gerald T. Brouder, as a member of the Midwestern Higher Education Commission;

Also,

Dorothy V. Fauntleroy, Edward E. Fields, Marge E. Peltier and Mona L. Perry, as members of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission;

Also,

John A. Klebba, as a member of the Linn State Technical College Board of Regents;

Also,

Larry Dean Neff and Elizabeth T. Solberg, as members of the Missouri Development Finance Board;

Also,

Harriett F. Woods, as a member of the Regional Convention and Sports Complex Authority;

Also,

Lynn M. Catrett, as a member of the Advisory Commission for Registered Physician Assistants;

Also,

Jennifer Tidwell, as a member of the State Tax Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of John W. Greer, as a member of the Missouri Higher Education Loan Authority, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Clemens moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Pro Tem Kinder assumed the Chair.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 15**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 246**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 33**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 112**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 13**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONCURRENT RESOLUTIONS

DELIVERED TO THE GOVERNOR

SCR 1, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HCR 6**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect

of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

Senator Bartle assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 35--Education.

SB 172--Ways and Means.

SB 241--Economic Development, Tourism and Local Government.

SB 249--Ways and Means.

SB 253--Commerce and the Environment.

SB 272--Ways and Means.

SB 276--Ways and Means.

SB 285--Ways and Means.

SB 331--Transportation.

SB 332--Economic Development, Tourism and Local Government.

SB 333--Economic Development, Tourism and Local Government.

SB 334--Commerce and the Environment.

SB 335--Commerce and the Environment.

SB 336--Ways and Means.

SB 338--Aging, Families, Mental and Public Health.

SB 339--Economic Development, Tourism and Local Government.

SB 340--Pensions and General Laws.

SB 341--Pensions and General Laws.

SB 342--Aging, Families, Mental and Public Health.

SB 343--Transportation.

SB 344--Education.

SB 345--Judiciary and Civil and Criminal Jurisprudence.

SB 346--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 347--Small Business, Insurance and Industrial Relations.

SB 348--Judiciary and Civil and Criminal Jurisprudence.

SB 350--Small Business, Insurance and Industrial Relations.

SB 351--Aging, Families, Mental and Public Health.

SB 352--Judiciary and Civil and Criminal Jurisprudence.

SB 353--Education.

SB 354--Education.

SB 355--Transportation.

SB 356--Transportation.

SB 357--Economic Development, Tourism and Local Government.

SB 358--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 359--Education.

SB 360--Commerce and the Environment.

SB 361--Commerce and the Environment.

SB 362--Pensions and General Laws.

SB 363--Ways and Means.

SB 364--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 365--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 366--Commerce and the Environment.

SB 367--Pensions and General Laws.

SB 368--Transportation.

SB 369--Transportation.

SB 370--Economic Development, Tourism and Local Government.

SB 371--Education.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle assumed the Chair.

Senator Gibbons announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 116, regarding the March of Dimes, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, Mike Jarrett and Frank Heslin, O'Fallon.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Lyndell Scoles, M.D., Columbia.

Senator Kinder introduced to the Senate, Mr. and Mrs. Glenn Reeves, Cape Girardeau; and members of the National

Federation of Independent Business Leadership Council.

Senator Jacob introduced to the Senate, fifth grade students from Grant Elementary School, Columbia.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, February 3, 2003.

SENATE CALENDAR

FOURTEENTH DAY-MONDAY, FEBRUARY 3, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 337-Cauthorn, et al

SB 349-Dougherty, et al

SB 372-Yeckel, et al

SB 373-Bartle

SB 374-Shields, et al

SB 375-Steelman

SB 376-Caskey

SB 377-Childers

SB 378-Steelman

SB 379-Champion

SB 380-Cauthorn

SB 381-Dolan

SB 382-Dolan

SB 383-Dolan

SB 384-Dolan

SB 385-Scott

SB 386-Cauthorn

SB 387-Cauthorn

SB 388-Klindt, et al

SB 389-Steelman

SB 390-Jacob

SB 391-Shields, et al

SB 392-Shields

SB 393-Coleman, et al

SB 394-Bartle

SB 395-Bartle

SJR 9-Yeckel

SJR 10-Yeckel

SJR 13-Stoll

SENATE BILLS FOR PERFECTION

SB 30-Gross, et al, with SCS

SB 18-Yeckel and Cauthorn,
with SCS

SB 15-Childers

SB 246-Steelman, et al, with SCS

SB 33-Loudon and Scott

SB 112-Loudon, with SCS

SB 13-Kinder

SB 11-Kinder and Scott, with

SCS

Journal of the Senate

FIRST REGULAR SESSION

FOURTEENTH DAY--MONDAY, FEBRUARY 3, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"For you are a people holy to the Lord your God; the Lord your God has chosen you out of all the peoples on earth to be his people, his treasured possession." (Deuteronomy 7:6)

Heavenly Father, we are mindful that we are Your "treasured" children and grateful for Your presence with us. We look forward to an effective week as we meet together but we carry the burden of the death of the seven astronauts this week and pray for Your blessings on them and comfort and mercy for their families, friends and all of us who are touched by their deaths. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 30, 2003, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 117, regarding Sister Gail Buckman, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 118, regarding the death of Grace Conahan Korsan, St. Louis, which was adopted.

Senator Cauthorn offered Senate Resolution No. 119, regarding Candy Admire Parker, LPN, Mexico, which was adopted.

Senator Vogel offered Senate Resolution No. 120, regarding Lou Tedeschi, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 121, regarding Randee M. Kaiser, Jefferson City, which was adopted.

Senator Champion offered Senate Resolution No. 122, regarding Robert M. Baird, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 123, regarding Roseann Bentley, Springfield, which was adopted.

Senator Wheeler offered Senate Resolution No. 124, regarding American Century Companies, Inc., Kansas City, which was adopted.

Senator Yeckel offered Senate Resolution No. 125, regarding Michael Dahle, which was adopted.

Senator Gross offered Senate Resolution No. 126, regarding Immanuel Lutheran School, St. Charles, which was adopted.

Senator Days offered Senate Resolution No. 127, regarding Baden Elementary School, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 128, regarding the Sixtieth Birthday of Marine Sergeant R. J. Del Vecchio, which was adopted.

Senator Foster offered Senate Resolution No. 129, regarding Steven David Ulm, Dexter, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 396-By Kennedy.

An Act to repeal section 135.348, RSMo, and to enact in lieu thereof one new section relating to the participation of financial institutions in sponsorship and mentoring programs.

SB 397-By Griesheimer.

An Act to repeal sections 193.045, 193.085, 193.115, 193.125, 193.145, 193.225, 193.245, and 193.265, RSMo, and to enact in lieu thereof eight new sections relating to vital statistics.

SB 398-By Griesheimer, Steelman, Yeckel, Shields, Vogel, Champion, Klindt, Dolan, Kennedy, Stoll, Cauthorn and Loudon.

An Act to amend chapter 640, RSMo, by adding thereto seventeen new sections relating to the creation of the Missouri natural resources and environment commission.

SB 399-By Caskey.

An Act to repeal section 217.360, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of controlled substances in city or county jails, with penalty provisions.

SB 400-By Bray.

An Act to repeal section 300.330, RSMo, and to enact in lieu thereof four new sections relating to the operation of motor vehicles.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 30**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 30**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 30

An Act to amend chapter 210, RSMo, by adding thereto two new sections relating to missing persons.

Was taken up.

Senator Gross moved that **SCS** for **SB 30** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 30, Page 4, Section 210.1014, Line 22, by inserting at the end of said line the following: "A member of the highway patrol shall also be a member of the committee.".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Gross, **SB 30**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, which was read:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 8, 2003 for your advice and consent:

Catherine Lorine Davis, Democrat, 925 South Woodland Drive, Kansas City, Clay County, Missouri 64118, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2004, and until her successor is duly appointed and qualified; vice, Patrick Brady, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 30, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

H. Dwight Douglas, Republican, 6126 Highland Drive, Joplin, Jasper County, Missouri 64804, as a member of the Missouri Southern State College Board of Regents, for a term ending August 30, 2005, and until his successor is duly appointed and qualified; vice, Stephen Carlton, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 30, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Derio L. Gambaro, Democrat, 5320 Wilson Avenue, St. Louis City, Missouri 63110, as a member of the St. Louis City Board of Election Commissioners, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, Kathy Surratt-States, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 30, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John W. Haasis, Republican, 1502 Ivy Chase Lane, Fenton, St. Louis County, Missouri 63026, as a member of the Elevator Safety Board, for a term ending June 6, 2005, and until his successor is duly appointed and qualified; vice, Theodore Steiling, resigned. Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 30, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen A. Jordan, Ph.D., 2308 Jane Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 30, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael A. Lueken, Republican, 6036 Highfield Road, St. Louis City, Missouri 63109, as a member of the St. Louis City Board of Election Commissioners, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, Carol Wilson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 30, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jane B. Wyman, Democrat, 104 Berry, Alba, Jasper County, Missouri 64836, as a member of the Missouri Southern State College Board of Regents, for a term ending August 30, 2008, and until her successor is duly appointed and qualified; vice, Loretta Wilcox, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Catherine Lorine Davis, Democrat, 925 South Woodland Drive, Kansas City, Clay County, Missouri 64118, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2004, and until her successor is duly appointed and qualified; vice, Patrick Brady, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 185**, entitled:

An Act to amend chapter 210, RSMo, by adding thereto two new sections relating to abducted persons, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNORThe following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 31, 2003

TO THE SECRETARY OF THE SENATE:

Herewith I return to you Senate Concurrent Resolution No. 1.

Rejecting the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

On January 31, 2003, I approved said Senate Concurrent Resolution No. 1.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Ed Golterman, Kirkwood.

Senator Dolan introduced to the Senate, Edward Jopeck, Vienna, Virginia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTEENTH DAY-TUESDAY, FEBRUARY 4, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 337-Cauthorn, et al

SB 349-Dougherty, et al

SB 372-Yeckel, et al

SB 373-Bartle

SB 374-Shields, et al

SB 375-Steelman

SB 376-Caskey

SB 377-Childers

SB 378-Steelman

SB 379-Champion

SB 380-Cauthorn

SB 381-Dolan

SB 382-Dolan

SB 383-Dolan

SB 384-Dolan

SB 385-Scott

SB 386-Cauthorn

SB 387-Cauthorn

SB 388-Klindt, et al

SB 389-Steelman

SB 390-Jacob

SB 391-Shields, et al

SB 392-Shields

SB 393-Coleman, et al

SB 394-Bartle

SB 395-Bartle

SB 396-Kennedy

SB 397-Griesheimer

SB 398-Griesheimer, et al

SB 399-Caskey

SB 400-Bray

SJR 9-Yeckel

SJR 10-Yeckel

SJR 13-Stoll

HOUSE BILLS ON SECOND READING

HCS for HB 185

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,

with SCS

SB 15-Childers

SB 246-Steelman, et al, with SCS

SB 33-Loudon and Scott

SB 112-Loudon, with SCS

SB 13-Kinder

SB 11-Kinder and Scott, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 30-Gross, et al, with

SCS (pending)

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY--TUESDAY, FEBRUARY 4, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Take care that you do not forget the Lord your God." (Deuteronomy 8:11a)

Gracious God, help us to remember the many blessings You provide us every day and know that we have them because of You. You have put things in our path that help and guide us as we seek to serve in this place. We pray for Senator DePasco and ask for Your healing power to flow through his body, to heal his infected lung and bring him quickly back to health and to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 130, regarding Dustin L. Payne, St. Joseph, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 131

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 23, 2003.

Senator Vogel requested unanimous consent of the Senate to suspend the rules and take **SR 131** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 131** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 132

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program during the period of November 22, 2003 from 9:00 a.m. to 3:00 p.m. and December 3 through December 6, 2003.

Senator Vogel requested unanimous consent of the Senate to suspend the rules and take **SR 132** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 132** was adopted.

Senator Griesheimer offered Senate Resolution No. 133, regarding R&R Ace, St. Clair, which was adopted.

Senator Bartle offered Senate Resolution No. 134, regarding David Anstaett, Lee's Summit, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 401-By Dolan, Coleman, Bland, Vogel, Yeckel, Loudon and Steelman.

An Act to repeal section 595.010, RSMo, and to enact in lieu thereof one new section relating to the sole purpose of modifying the definition of crime in chapter 595, RSMo.

SB 402-By Dolan.

An Act to repeal section 301.463, RSMo, and to enact in lieu thereof one new section relating to special license plates.

SB 403-By Dolan.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 404-By Nodler.

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to manufacturing controlled substances near schools, with penalty provisions.

SB 405-By Klindt, Cauthorn, Clemens, Griesheimer, Scott, Vogel, Dolan and Champion.

An Act to repeal section 258.100, RSMo, and to enact in lieu thereof one new section relating to immunity from civil liability for certain landowners.

SB 406-By Klindt.

An Act to amend chapter 375, RSMo, by adding thereto seven new sections relating to insurance compliance audits.

SB 407-By Klindt.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for cancer.

SB 408-By Klindt.

An Act to amend chapter 590, RSMo, by adding thereto two new sections relating to corrections officers certification, training, and standards, with an emergency clause.

SB 409-By Steelman and Griesheimer.

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to unlawful release of anhydrous ammonia, with penalty provisions.

SB 410-By Shields and Goode.

An Act to repeal sections 191.831, 302.540, 577.049, and 577.520, RSMo, and to enact in lieu thereof four new sections relating to substance abuse traffic offender program.

SB 411-By Shields.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to authorization for closed meetings and closed records and exceptions thereto.

SB 412-By Foster, Stoll and Griesheimer.

An Act to repeal sections 137.275, 137.345, and 138.430, RSMo, and to enact in lieu thereof four new sections relating to depreciation of tangible personal property, with an emergency clause.

SB 413-By Steelman.

An Act to repeal sections 337.600 and 337.633, RSMo, and to enact in lieu thereof three new sections relating to licensing of social workers, with penalty provisions.

SB 414-By Steelman.

An Act to repeal sections 58.451, 58.740, 610.010, 610.015, 610.020, 610.021, 610.022, 610.026, 610.027, 610.029,

610.100, and 610.200, RSMo, and to enact in lieu thereof twelve new sections relating to public records.

SB 415-By Yeckel.

An Act to repeal sections 324.200, 324.203, 324.205, 324.210, and 324.215, RSMo, and to enact in lieu thereof seven new sections relating to the licensing of dietitians, with penalty provisions.

SB 416-By Yeckel.

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of the gaming commission fund.

SB 417-By Yeckel.

An Act to repeal section 321.703, RSMo, section 321.701 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session and section 321.701 as enacted by conference committee substitute for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, and to enact in lieu thereof two new sections relating to fire protection districts.

SB 418-By Cauthorn and Vogel.

An Act to repeal section 565.092, RSMo, and to enact in lieu thereof two new sections relating to corrections officers, with penalty provisions.

SJR 16-By Jacob and Coleman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 18**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 18**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 18

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof thirteen new sections relating to higher education savings programs.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 18** be adopted.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

At the request of Senator Yeckel, **SB 18**, with **SCS** (pending), was placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 337--Education.

SB 349--Aging, Families, Mental and Public Health.

SB 372--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 373--Small Business, Insurance and Industrial Relations.

SB 375--Economic Development, Tourism and Local Government.

SB 376--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 377--Ways and Means.

SB 378--Commerce and the Environment.

SB 379--Economic Development, Tourism and Local Government.

SB 380--Aging, Families, Mental and Public Health.

SB 381--Transportation.

SB 382--Transportation.

SB 383--Economic Development, Tourism and Local Government.

SB 384--Transportation.

SB 385--Small Business, Insurance and Industrial Relations.

SB 386--Transportation.

SB 387--Small Business, Insurance and Industrial Relations.

SB 388--Agriculture, Conservation, Parks and Natural Resources.

SB 389--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 247** to the Committee on Pensions and General Laws.

President Pro Tem Kinder re-referred **SB 298** to the Committee on Economic Development, Tourism and Local Government.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 3, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Corrections

Dear Terry:

Pursuant to Section 21.440, RSMo 2002, I am appointing Senator David Klindt to serve as Vice-Chairman of the Joint Committee on Corrections.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Senator Gibbons submitted the following:

January 28, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 92nd General Assembly's Southwest Missouri Caucus at the January 23, 2003 meeting.

Please add the following members to the caucus:

- Representative Randy Angst

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

January 28, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 92nd General Assembly's Life Science Caucus at the January 23, 2003 meeting.

Please add the following members to the caucus:

- Senator Anita Yeckel
- Senator Harry Kennedy
- Senator Patrick Dougherty
- Representative Alan Icet

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

January 28, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the Missouri Sportsmen's Caucus at the January 28, 2003 meeting.

Please add the following members to the caucus:

- Senator Harry Kennedy

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, Skip Lottes, Perryville.

Senator Russell introduced to the Senate, Barbara Doherty, Carole Brouk, Lorraine Wedig, Katie McBean, Norma Williams, Tozia Wilhelm and Chris Poland, Osage Beach.

Senator Scott introduced to the Senate, Dr. Stephen Poort, Sedalia.

Senator Dolan introduced to the Senate, Lori, Robby and Eric Lass, Homeschoolers from St. Charles County; and Robby and Eric were made honorary pages.

Senator Dolan introduced to the Senate, Chief Paul Corbin, St. Charles.

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Christa Montgomery, Julia Eckstein and Karen Sieve, St. Charles County.

Senator Griesheimer introduced to the Senate, Dr. Karen Herzog and Dr. Frank Miller, Washington.

Senator Stoll introduced to the Senate, Leonard and Linda Bolte, and their children, Ashley and Kristy; Eric and Mary Mottert, and their children, Katia, Alyssa, Ian, Elana and Candra; and Lisa Parker, and her son, Steven, Jefferson County; and Ashley, Kristy, Katia, Alyssa, Ian, Elana, Candra and Steven were made honorary pages.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Jay B. Androphy, M.D., St. Louis.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTEENTH DAY-WEDNESDAY, FEBRUARY 5, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al

SB 390-Jacob

SB 391-Shields, et al

SB 392-Shields

SB 393-Coleman, et al

SB 394-Bartle

SB 395-Bartle

SB 396-Kennedy

SB 397-Griesheimer

SB 398-Griesheimer, et al

SB 399-Caskey

SB 400-Bray

SB 401-Dolan, et al

SB 402-Dolan

SB 403-Dolan

SB 404-Nodler

SB 405-Klindt, et al

SB 406-Klindt

SB 407-Klindt

SB 408-Klindt

SB 409-Steelman and Griesheimer

SB 410-Shields and Goode

SB 411-Shields

SB 412-Foster, et al

SB 413-Steelman

SB 414-Steelman

SB 415-Yeckel

SB 416-Yeckel

SB 417-Yeckel

SB 418-Cauthorn and Vogel

SJR 9-Yeckel

SJR 10-Yeckel

SJR 13-Stoll

SJR 16-Jacob and Coleman

HOUSE BILLS ON SECOND READING

HCS for HB 185

SENATE BILLS FOR PERFECTION

SB 15-Childers

SB 246-Steelman, et al,
with SCS

SB 33-Loudon and Scott

SB 112-Loudon, with SCS

SB 13-Kinder

SB 11-Kinder and Scott,
with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,
with SCS (pending)

SB 30-Gross, et al, with
SCS (pending)

Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY--WEDNESDAY, FEBRUARY 5, 2003

The Senate met pursuant to adjournment.

Senator Steelman in the Chair.

Reverend Carl Gauck offered the following prayer:

"My spirit abides among you: do not fear." (Haggai 2:5b)

Gracious God, we look around us at what sometimes looks like increasing odds against what we need to get done here; so we pray for Your Holy Spirit to guide our hearts and minds so we can find the path we must take and be encouraged that with You all things are possible. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator DePasco--1			

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 419-By Stoll and Gross.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to organ donor license plates.

SB 420-By Stoll.

An Act to repeal sections 169.070 and 169.670, RSMo, and to enact in lieu thereof two new sections relating to public school retirement systems, with an emergency clause.

SB 421-By Mathewson.

An Act to repeal section 311.174, RSMo, and to enact in lieu thereof one new section relating to the sale of liquor by the drink in certain convention and trade areas.

SB 422-By Childers.

An Act to repeal section 162.261, RSMo, and to enact in lieu thereof one new section relating to qualification for service on a seven director or urban school board.

SB 423-By Childers.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Jimmie Linegar Memorial Highway.

SB 424-By Steelman.

An Act to amend chapter 197, RSMo, by adding thereto three new sections relating to nurse staffing requirements in hospitals.

SB 425-By Scott.

An Act to repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to reporting and investigating of death by a coroner.

SB 426-By Griesheimer.

An Act to repeal section 105.267, RSMo, and to enact in lieu thereof one new section relating to public officers and employees.

SB 427-By Bartle, Yeckel, Gibbons, Shields, Coleman, Scott, Stoll, Dolan, Griesheimer, Loudon and Champion.

An Act to repeal sections 409.101, 409.102, 409.107, 409.201, 409.202, 409.203, 409.204, 409.301, 409.302, 409.303, 409.304, 409.305, 409.306, 409.307, 409.401, 409.402, 409.403, 409.404, 409.405, 409.406, 409.407, 409.408, 409.409, 409.410, 409.411, 409.412, 409.413, 409.414, 409.415, 409.416, 409.418, 409.420, 409.421, 409.500, 409.506, 409.511, 409.516, 409.521, 409.526, 409.531, 409.536, 409.541, 409.546, 409.551, 409.556, 409.561, and 409.566, RSMo, and to enact in lieu thereof sixty-eight new sections relating to securities regulation, with penalty provisions.

SB 428-By Shields.

An Act to repeal sections 173.205 and 335.212, RSMo, and to enact in lieu thereof two new sections relating to certain student financial assistance programs.

SB 429-By Vogel.

An Act to repeal section 447.530, RSMo, and to enact in lieu thereof one new section relating to abandoned property.

SB 430-By Champion.

An Act to repeal sections 210.025, 210.543, 210.565, 210.760, and 210.937, RSMo, and to enact in lieu thereof nine new sections relating to foster care, with penalty provisions and an expiration date.

SB 431-By Gibbons.

An Act to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to consent for

experimental treatments.

SB 432-By Cauthorn.

An Act to repeal sections 302.700, 307.177, and 307.400, RSMo, and to enact in lieu thereof three new sections relating to commercial motor vehicles, with penalty provisions.

SB 433-By Yeckel and Gross.

An Act to repeal section 195.417, RSMo, and to enact in lieu thereof one new section relating to the sale of products containing methamphetamine, with penalty provisions.

SB 434-By Yeckel.

An Act to repeal sections 105.473, 105.485, 105.487, 105.961, 105.963, 105.973, 130.011, 130.016, 130.021, 130.026, 130.046, 130.049, 130.050, and 130.057, RSMo, and to enact in lieu thereof fifteen new sections relating to ethics, with penalty provisions.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 30**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 30**, as amended, was again taken up.

Senator Gross moved that **SCS** for **SB 30**, as amended, be adopted.

Senators Caskey, Bland, Gross, Mathewson and Gibbons offered **SS** for **SCS** for **SB 30**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 30

An Act to amend chapter 210, RSMo, by adding thereto two new sections relating to missing persons.

Senator Caskey moved that **SS** for **SCS** for **SB 30** be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SCS** for **SB 30** was declared perfected and ordered printed.

Senator Childers moved that **SB 15** be taken up for perfection, which motion prevailed.

On motion of Senator Childers, **SB 15** was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 435-By Dolan.

An Act to amend chapter 194, RSMo, by adding thereto six new sections relating to the disposition of fetal remains act, with a penalty provision.

SB 436-By Klindt.

An Act to repeal sections 8.550 and 8.570, RSMo, and to enact in lieu thereof two new sections relating to the tobacco securitization settlement trust fund, with an emergency clause.

SB 437-By Yeckel, Kennedy, Loudon, Dolan, Dougherty, Steelman, Stoll, Griesheimer, Childers, Vogel, Cauthorn, Scott, Gross, Foster, Champion, Shields, Bartle, DePasco, Klindt, Clemens, Kinder, Nodler and Russell.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for contributions to pregnancy resource centers.

RESOLUTIONS

Senator Bland offered Senate Resolution No. 135, regarding Jay McShann, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Lowell Kruse, St. Joseph.

Senator Griesheimer introduced to the Senate, Jason Buckley, Wildwood.

Senator Kinder introduced to the Senate, Rich Payne and Dean Whitlow, Cape Girardeau.

Senator Russell introduced to the Senate, Ronna Ford, Lebanon; and Maggie Odgen, Licking.

Senator Mathewson introduced to the Senate, Jeff Gregory, and his children, Haylee and Trevor; and Dan and Jenny Hurley, and their children, Brenden, Conner, and Casey, Sedalia; and Haylee, Trevor, Brenden, Conner, and Casey were made honorary pages.

Senator Mathewson introduced to the Senate, eleven students from Missouri Valley College, Marshall.

Senator Loudon introduced to the Senate, Jasmine Hailey, Skylar Talmon, Kylara Kazakoff, Ashley Wachter, Heather Hooper, Blair Lindsay, and Bob Yeates, the Principia Upper School, St. Louis.

Senator Kinder introduced to the Senate, Presiding Commissioner of Cape Girardeau County, Gerald Jones, Jackson.

Senator Mathewson introduced to the Senate, the Physician of the Day, Dr. Jerry Meyer, M.D., his wife, Rev. Dr. Renee Meyer, and their daughter, Courtney, Concordia.

Senator Yeckel introduced to the Senate, former State Senator Roseann Bentley, recipient of the Missouri Lifetime Achievement Award in the Arts, and her husband, Dr. John Bentley, Springfield.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTEENTH DAY-THURSDAY, FEBRUARY 6, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al

SB 390-Jacob

SB 391-Shields, et al

SB 392-Shields

SB 393-Coleman, et al

SB 394-Bartle

SB 395-Bartle

SB 396-Kennedy

SB 397-Griesheimer

SB 398-Griesheimer, et al

SB 399-Caskey

SB 400-Bray and Dougherty

SB 401-Dolan, et al

SB 402-Dolan

SB 403-Dolan

SB 404-Nodler

SB 405-Klindt, et al

SB 406-Klindt

SB 407-Klindt

SB 408-Klindt

SB 409-Steelman and Griesheimer

SB 410-Shields and Goode

SB 411-Shields

SB 412-Foster, et al

SB 413-Steelman and Dougherty

SB 414-Steelman

SB 415-Yeckel

SB 416-Yeckel

SB 417-Yeckel

SB 418-Cauthorn and Vogel

SB 419-Stoll and Gross

SB 420-Stoll

SB 421-Mathewson

SB 422-Childers

SB 423-Childers

SB 424-Steelman

SB 425-Scott

SB 426-Griesheimer

SB 427-Bartle, et al

SB 428-Shields

SB 429-Vogel

SB 430-Champion

SB 431-Gibbons

SB 432-Cauthorn

SB 433-Yeckel and Gross

SB 434-Yeckel

SB 435-Dolan

SB 436-Klindt

SB 437-Yeckel, et al

SJR 9-Yeckel

SJR 10-Yeckel

SJR 13-Stoll

SJR 16-Jacob and Coleman

HOUSE BILLS ON SECOND READING

HCS for HB 185

SENATE BILLS FOR PERFECTION

SB 246-Steelman, et al,
with SCS

SB 33-Loudon and Scott

SB 112-Loudon, with SCS

SB 13-Kinder

SB 11-Kinder and Scott,
with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,
with SCS (pending)

Journal of the Senate
FIRST REGULAR SESSION

SEVENTEENTH DAY--THURSDAY, FEBRUARY 6, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"Then Joshua said to the people, 'Sanctify yourselves; for tomorrow the Lord will do wonders among you.'" (Joshua 3:5)

Holy God, You have shown us Your unconditional love for us over and over again, especially in those You have given us to love and share this life. Help us to prepare ourselves spiritually for the wondrous gifts You continue to provide us and may we be found among Your people who place their trust and faith in You, who bless our lives. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel--33

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 136, regarding Curtis Lamont, Cedar, Kansas, which was adopted.

Senator Kennedy offered Senate Resolution No. 137, regarding the Eastern Reception, Diagnostic and Correctional Center, Bonne Terre, which was adopted.

Senator Champion offered Senate Resolution No. 138, regarding Linda Dollar, Springfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 139, regarding Dr. Lee McKinney, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 140, regarding the One Hundredth Anniversary of the Knights of Columbus, DeSmet Council 742, St. Louis County, which was adopted.

Senator Wheeler offered Senate Resolution No. 141, regarding the Labor's Educational and Political Club Independent awards recipients, which was adopted.

Senator Yeckel offered Senate Resolution No. 142, regarding the Crestwood Aquatic Center, Whitecliff Park, which was adopted.

Senator Yeckel offered Senate Resolution No. 143, regarding Marla Dell, which was adopted.

Senator Yeckel offered Senate Resolution No. 144, regarding Jim Russell, which was adopted.

Senator Gibbons offered Senate Resolution No. 145, regarding Anthony David "Tony" Zehnle, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 146, regarding the One Hundred Fiftieth Anniversary of the City of Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 147, regarding John Francis Mosher, St. Louis, which was adopted.

Senator Gross offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 148

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his adult life serving freedom and advancing the public good as an entertainer, Union leader, corporate spokesman, Governor of California, and President of the United States; and

WHEREAS, Ronald Reagan was inaugurated the fortieth president of the United States in 1981, in which capacity he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, Ronald Reagan was elected to a second term in office by a landslide victory unprecedented in American history, winning forty-nine of the fifty states in the 1984 general election; and

WHEREAS, during his presidency, Ronald Reagan worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and boundless opportunity for a multitude of Americans; and

WHEREAS, Ronald Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to win the Gulf War; and

WHEREAS, President Reagan's vision of "peace through strength" precipitated the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, Ronald Reagan will attain the age of 92 on February 6, 2003:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, join unanimously to applaud the outstanding leadership provided by Ronald Reagan during his eight years as president of the United States, to express deep gratitude for his achievements on behalf of this nation, and to wish him well upon the occasion of his Ninety-second Birthday; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for President Ronald Wilson Reagan.

Senator Caskey offered Senate Resolution No. 149, regarding the Eightieth Birthday of Paul Dan McClure, Appleton City, which was adopted.

Senator Kinder offered Senate Resolution No. 150, regarding Floyd Michael Dillender, Bertrand, which was adopted.

CONCURRENT RESOLUTIONS

Senators Cauthorn, Klindt, Loudon, Russell, Gross, Gibbons, Scott, Nodler, Clemens and Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, marriage is the cornerstone of our society; and

WHEREAS, marriage between one man and one woman preceded and composed the bedrock of human society; and

WHEREAS, the benefits of marriage between one man and one woman are substantial and undeniable, both for the individuals involved and any children resulting from the union; and

WHEREAS, a case currently pending before the Massachusetts Supreme Court could potentially destroy the traditional understanding of marriage as a union between one man and one woman; and

WHEREAS, there is the present trend by activist groups to undermine current laws protecting the marriage between one man and one woman; and

WHEREAS, the federal marriage amendment is drafted to ensure the democratic process by allowing the state to retain existing authority to legislate in the area of marital benefits including privileges associated with marriage:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring herein, hereby urge the members of the United States Congress to take up and pass the Federal Marriage Amendment to the Constitution; and

BE IT FURTHER RESOLVED that the secretary of the senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United State Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 438-By Clemens, Wheeler, Coleman, Gross, Russell, Kennedy, Dolan and Scott.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

SB 439-By Steelman.

An Act to amend chapter 204, RSMo, by adding thereto two new sections relating to territorial service agreements for sewer districts.

SB 440-By Steelman.

An Act to repeal section 393.015, RSMo, and to enact in lieu thereof one new section relating to water service disconnection for nonpayment of sewer bill.

SB 441-By Dougherty.

An Act to amend chapter 701, RSMo, by adding thereto one new section relating to property tax collection.

SB 442-By Gross and Yeckel.

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to restrictions on public access to ephedrine products, with penalty provisions.

SB 443-By Gross.

An Act to repeal section 311.070, RSMo, and to enact in lieu thereof one new section relating to microbrewers, with penalty provisions.

SB 444-By Shields and Steelman.

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to health insurance coverage for chiropractic care.

SB 445-By Shields.

An Act to repeal section 166.300, RSMo, and to enact in lieu thereof one new section relating to the school building revolving fund.

SB 446-By Bartle.

An Act to repeal sections 57.290, 67.133, 143.782, 454.505, 455.027, 455.075, 455.504, 455.536, 455.516, 476.058, 476.385, 477.600, 488.426, 488.445, 488.2300, 488.4014, 488.5320, 488.5339, 491.300, 494.410, 511.350, 511.510, 517.141, 517.151, 535.030, 577.051, and 595.045, RSMo, and to enact in lieu thereof twenty-nine new sections relating to court procedures.

SB 447-By Bartle.

An Act to amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

SB 448-By Bartle.

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to the statewide court automation fund, with penalty provisions and an expiration date.

SB 449-By Bartle.

An Act to repeal sections 197.305, 197.315, 197.317, 197.325, 197.340, 197.345, 197.355, 197.357, and 197.366, RSMo, and to enact in lieu thereof nine new sections relating to certificate of need.

SB 450-By Mathewson, Gibbons, Steelman, Caskey, Goode, Bray and Childers.

An Act to amend chapter 37, RSMo, by adding thereto five new sections relating to the reorganization of the state health care system, with an emergency clause.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 18**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 18** was again taken up.

Senator Yeckel moved that **SCS** for **SB 18** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 18, Page 1, Section 166.435, Line 4, by deleting the words

"or any other state or subdivision thereof"; and further amend said section and page, lines 9-10, by deleting the words "or any other state or subdivision thereof"; and further amend said section, page 2, lines 18-19, by deleting the words "or any other state or subdivision thereof"; and further said section and page, lines 23-24, by deleting the words "or any other state or subdivision thereof"; and further amend said section and page, line 29, by inserting after the word "such", the following: "Missouri"; and further amend said section and page, line 31, by inserting after the word "the" the following: "state"; and further amend said section and page, lines 31-32, by deleting the words "appropriate state or political subdivision authority".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Quick, Stoll and Yeckel.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

Senator Bray offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 18, Page 1, Section A, Line 4, by inserting immediately after said line the following:

"166.415. 1. There is hereby created the "Missouri Higher Education Savings Program". The program shall be administered by the Missouri higher education savings program board which [shall] **may** consist of the Missouri state treasurer who shall serve as chairman, the commissioner of the department of higher education, the commissioner of the office of administration, the director of the department of economic development and two persons having demonstrable experience and knowledge in the areas of finance or the investment and management of public funds, one of whom is selected by the president pro tem of the senate and one of whom is selected by the speaker of the house of representatives. The two appointed members shall be appointed to serve for terms of four years from the date of appointment, or until their successors shall have been appointed and shall have qualified. The members of the board shall be subject to the conflict of interest provisions of section 105.452, RSMo. Any member who violates the conflict of interest provisions shall be removed from the board. In order to establish and administer the savings program, the board, in addition to its other powers and authority, shall have the power and authority to:

- (1) Develop and implement the Missouri higher education savings program and, notwithstanding any provision of sections 166.400 to 166.455 to the contrary, the savings programs and services consistent with the purposes and objectives of sections 166.400 to 166.455;
- (2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.400 to 166.455, to permit the savings program to qualify as a "qualified state tuition program" pursuant to Section 529 of the Internal Revenue Code and to ensure the savings program's compliance with all applicable laws;

- (3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution for investment services, and their families, including special programs and materials to inform families with young children regarding methods for financing education and training beyond high school;
 - (4) Enter into agreements with any financial institution, the state or any federal or other agency or entity as required for the operation of the savings program pursuant to sections 166.400 to 166.455;
 - (5) Enter into participation agreements with participants;
 - (6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit to the account of the savings program;
 - (7) Invest the funds received from participants in appropriate investment instruments to achieve long-term total return through a combination of capital appreciation and current income;
 - (8) Make appropriate payments and distributions on behalf of beneficiaries pursuant to participation agreements;
 - (9) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 166.400 to 166.455 and the rules adopted by the board;
 - (10) Make provision for the payment of costs of administration and operation of the savings program;
 - (11) Effectuate and carry out all the powers granted by sections 166.400 to 166.455, and have all other powers necessary to carry out and effectuate the purposes, objectives and provisions of sections 166.400 to 166.455 pertaining to the savings program; and
 - (12) Procure insurance, guarantees or other protections against any loss in connection with the assets or activities of the savings program.
2. Any member of the board may designate a proxy for that member who will enjoy the full voting privileges of that member for the one meeting so specified by that member. No more than three proxies shall be considered members of the board for the purpose of establishing a quorum.
 3. Four members of the board shall constitute a quorum. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board. No action shall be taken by the board except upon the affirmative vote of a majority of the members present.
 4. The board shall meet within the state of Missouri at the time set at a previously scheduled meeting or by the request of any four members of the board. Notice of the meeting shall be delivered to all other trustees in person or by depositing notice in a United States post office in a properly stamped and addressed envelope not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.
 5. The funds shall be invested only in those investments which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688, RSMo. The board may delegate to duly appointed investment counselors authority to act in place of the board in the investment and reinvestment of all or part of the moneys and may also delegate to such counselors the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselors shall be registered as investment advisors with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. No member of the board shall be liable for any action taken or omitted with respect to

the exercise of, or delegation of, these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care and skill which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

6. No investment transaction authorized by the board shall be handled by any company or firm in which a member of the board has a substantial interest, nor shall any member of the board profit directly or indirectly from any such investment.

7. No trustee or employee of the savings program shall receive any gain or profit from any funds or transaction of the savings program. Any trustee, employee or agent of the savings program accepting any gratuity or compensation for the purpose of influencing such trustee's, employee's or agent's action with respect to the investment or management of the funds of the savings program shall thereby forfeit the office and in addition thereto be subject to the penalties prescribed for bribery."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 18, Page 2, Section 166.435, Lines 25-26, by deleting the words "for the taxpayer".

Senator Kennedy moved that the above amendment be adopted.

Senator Yeckel requested a roll call vote be taken on the adoption of **SA 3** and was joined in her request by Senators Cauthorn, Dolan, Clemens and Mathewson.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

At the request of Senator Yeckel, **SB 18**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Mary H. Quigley, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission;

Also,

Sharon Smith, Deborah U. Parsons, Letitia R. Thomas, Cletus B. Kraenzle, Robert P. O'Dell and Joann E. Noll, as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Sharon M. Keating, as a member of the Missouri Real Estate Commission;

Also,

Greg S. Gaffke and Ralph M. Caro, as members of the Lincoln University Board of Curators;

Also,

Jack C. Baker and Barry M. Kayes, as members of the Air Conservation Commission;

Also,

Robert W. Honan, Amber H. Boykins and Anne Marie Young, as members of the Missouri Training and Employment Council;

Also,

John M. Holbrook, as a member of the Board of Geologist Registration;

Also,

Lowell C. Kruse, as a member of the Coordinating Board for Higher Education;

Also,

Judith Sutter Hinrichs and Muriel W. Battle, as members of the Missouri Gaming Commission;

Also,

Jessie J. Harris, Jr. and Rose Utley, Ph.D., R.N., as members of the Missouri Community Service Commission;

Also,

David Eric McClure, as Commissioner of the Missouri Division of Finance;

Also,

John J. Hickey and Kenneth D. Legan, as members of the Labor and Industrial Relations Commission;

Also,

Russell V. Thompson, as a member of the State Board of Education;

Also,

Mark S. Hasheider and Thomas C. Roeseler, as members of the Seismic Safety Commission;

Also,

Cosette D. Kelly, as a member of the Clean Water Commission;

Also,

Robert T. Jackson, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Charli Jo Ledgerwood, as a member of the Safe Drinking Water Commission;

Also,

Richard C. Dunn, ACSW, LCSW, as Director of the Department of Health and Senior Services.

Senator Kinder moved that the above committee reports be adopted, and the Senate do give its advice and consent in one motion.

Senator Kinder requested a division of the question on the motion to adopt the committee reports asking that a vote first be taken on all the appointments in one motion with the exception of Richard C. Dunn and that a second vote be taken on his appointment, which request was granted.

Senator Kinder moved that the committee reports, excluding Richard C. Dunn, be adopted, which motion prevailed.

Senator Champion moved that the committee report on Richard C. Dunn be adopted and the Senate do give its advice and consent to the appointment.

Senator Loudon offered a substitute motion that the appointment of Richard C. Dunn be sent back to the Committee on Gubernatorial Appointments and requested a roll call vote be taken. He was joined in his request by Senators Cauthorn, Clemens, Goode and Stoll.

The substitute motion made by Senator Loudon failed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Clemens	Griesheimer
Gross	Loudon	Nodler	Russell
Steelman	Yeckel--10		
NAYS--Senators			
Bland	Bray	Caskey	Champion
Childers	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Jacob	Kennedy	Kinder	Klindt
Mathewson	Quick	Scott	Shields
Stoll		Vogel	Wheeler--23
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

Senator Champion renewed her motion that the committee report on Richard C. Dunn be adopted and the Senate do

give its advice and consent.

Senator Loudon requested a roll call vote be taken on the motion made by Senator Champion and was joined in his request by Senators Cauthorn, Childers, Clemens and Kinder.

The motion to adopt the committee report and to give advice and consent to the appointment of Richard C. Dunn was adopted by the following vote:

	YEAS--Senators			
Bland	Bray	Caskey	Champion	
Childers	Coleman	Days	Dougherty	
Gibbons	Goode	Jacob	Kinder	
Klindt	Mathewson	Quick	Scott	
Shields	Stoll	Vogel	Wheeler--20	
	NAYS--Senators			
Bartle	Cauthorn	Clemens	Dolan	
Foster	Griesheimer	Gross	Kennedy	
Loudon	Nodler	Russell	Steelman	
Yeckel--13				
	Absent--Senators--None			
	Absent with leave--Senator DePasco--1			

President Pro Tem Kinder assumed the Chair.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 36**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 299** and **SB 40**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 55**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 217**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 51**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE RESOLUTION NO. 30

Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, First Regular Session, that Senate Rule 95 be amended to read as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used **in the Senate Chamber by any member of the Senate at the research table subject to the research staff's priority over available space, and provided that such member shall only use his or her personal laptop;** by the press at the press table [in the Senate Chamber.]; **by members of the Division of Senate Research at the research table; and by the Secretary of the Senate at the dais. No computer shall be connected to any network, whether by wired or wireless connection, except those used by the members of the Division of Senate Research and the Secretary of the Senate. No member of the Senate shall request a member of the Division of Senate Research to provide any form of electronic document or data from any computer in the Senate Chamber, except for copies or drafts of bills or resolutions, and amendments and substitutes thereto.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 30**; and **SB 15**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Bartle assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 4, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on January 8, 2003 for your advice and consent:

Ronald W. Randen, 195 State Highway 153, P.O. Box 91, Gideon, New Madrid County, Missouri 63848, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Ronald Breshears, resigned.

Carol F. Stow, Democrat, 1525 Timber Trail, Jefferson City, Cole County, Missouri 65109-1921, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, Solomon Agin, resigned.

Owen Lunn, 331 East Locust Street, Nevada, Vernon County, Missouri 64772, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Shonagh K. Clements, 2501 Sublette Avenue, St. Louis City, Missouri 63110, as a member of the Bi-State Development Agency Board of Commissioners, for a term ending November 11, 2007, and until her successor is duly appointed and qualified; vice, Margaret Donnelly, term expired.

Don Walsworth, Democrat, 315 West Santa Fe, Marceline, Linn County, Missouri 64658, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Paul Steele, term expired.

James W. "Jamie" Graham, 1501 S. Jamison Street, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Cheryl Walker, Republican, 2729 Saint Vincent Avenue, St. Louis City, Missouri 63104, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, Beverly "Malaika" Horne, term expired.

Doug Randell, 8947 Edna Street, St. Louis City, Missouri 63147, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, David Rice, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder requested unanimous consent of the Senate to return the above appointments in one motion. There being no objection, the request was granted.

President Pro Tem Kinder moved that the above appointments be returned to the Governor pursuant to his request, which motion prevailed.

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Steve Roling, 11920 Summit Street, Kansas City, Jackson County, Missouri 64145-1035, as Director of the Department of Social Services, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Kathy Martin, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Shonagh K. Clements, 2501 Sublette Avenue, St. Louis City, Missouri 63110, as a member of the Bi-State Development Agency Board of Commissioners, for a term ending November 11, 2007, and until her successor is duly appointed and qualified; vice, Margaret Donnelly, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James W. "Jamie" Graham, 514 S. Bradford, T4, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Owen Lunn, 331 East Locust Street, Nevada, Vernon County, Missouri 64772, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Doug Randell, 8947 Edna Street, St. Louis City, Missouri 63147, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, David Rice, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald W. Randen, 195 State Highway 153, P.O. Box 91, Gideon, New Madrid County, Missouri 63848, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Ronald Breshears, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol F. Stow, Democrat, 1525 Timber Trail, Jefferson City, Cole County, Missouri 65109-1921, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, Solomon Agin, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cheryl Walker, Republican, 2729 Saint Vincent Avenue, St. Louis City, Missouri 63104, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, Beverly "Malaika" Horne, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Don Walsworth, Democrat, 315 West Santa Fe, Marceline, Linn County, Missouri 64658, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Paul Steele, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

February 5, 2003

REORGANIZATION PLAN NO. 1

2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2003, by Executive Order 03-02, establishing the Family Support Division within the Department of Social Services.

Respectfully submitted,

Bob Holden

Governor

EXECUTIVE ORDER

03-02

WHEREAS, the Department of Social Services is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 660, RSMo; and

WHEREAS, the Division of Family Services is created pursuant to Section 660.010, RSMo, within the Department of Social Services; and

WHEREAS, the Division of Child Support Enforcement is created pursuant to Section 454.400, RSMo, within the Department of Social Services; and

WHEREAS, the Division of Family Services, Income Maintenance Unit serves clients who are also served by the Division of Child Support Enforcement; and

WHEREAS, federal law establishes the child support program and other public assistance programs, separately; and

WHEREAS, by combining the public assistance programs, such as food stamps, temporary assistance, rehabilitation services for the blind, general relief, supplemental nursing care assistance, medical assistance eligibility, and energy assistance, and the child support enforcement program, Missouri could operate more efficiently and effectively; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of these functions to a new Family Support Division within the Department of Social Services is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby establish the Family Support Division within the Department of Social Services and order the Department to:

1. Utilize the Family Support Division as the vehicle through which economies and efficiencies of scale are maximized by combining certain child support functions with certain income maintenance functions; and
2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Family Services into the Family Support Division, except individualized assessment for work readiness, work readiness training, child welfare functions, early childhood, and child care assistance, by Type I transfer, as defined under the Reorganization Act of 1974; and
3. Transfer all authority, powers, duties, functions,

records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Child Support Enforcement to the Family Support Division, except the parents' fair share program, by Type I transfer, as defined under the Reorganization Act of 1974; and

4. Take the steps necessary to maintain compliance with federal requirements, such as filing a state plan amendment, so as not to jeopardize federal financial participation.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003

/s/ Bob Holden

Governor

ATTEST:

/s/ Matt Blunt

Secretary of State

Also,

February 5, 2003

REORGANIZATION PLAN NO. 2

2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2003, by Executive Order 03-03, establishing the Children's Division within the Department of Social Services.

Respectfully submitted,

Bob Holden

Governor

EXECUTIVE ORDER

03-03

WHEREAS, the Department of Social Services is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 660, RSMo; and

WHEREAS, the Division of Family Services is assigned to the Department of Social Services pursuant to Section 660.010

RSMo; and

WHEREAS, a number of efforts are being made to address problems that have been identified with Missouri's current child welfare system; and

WHEREAS, in September 2002, I appointed Richard C. Dunn and Judge Frank Conley to conduct an investigation into the Greene County child

welfare system; and

WHEREAS, in November 2002, Mr. Dunn and Judge

Conley completed their *Report of the Investigation of the Child Welfare System in Greene County*; and

WHEREAS, the child welfare system in this state requires immediate attention in order to avoid a greater breakdown in services and other serious problems; and

WHEREAS, I recently established the Office of Child Welfare Ombudsman within the Office of Administration by Executive Order 02-22; and

WHEREAS, streamlining children's services, and all of the functions related to them, will increase the focus on child protection; and

WHEREAS, every child in Missouri is entitled to a safe place to live.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby create and establish the Children's Division within the Department of Social Services and order the Department to:

- Ensure the Children's Division is focused on protecting children in the state's care and identifying children at risk of abuse or neglect; and
- Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Family Services relating to child welfare, child protection, child care assistance, and early childhood to the Children's Division, by Type I transfer, as defined under the Reorganization Act of 1974; and
- Implement recommendations found in the *Report of the Investigation of the Child Welfare System in Greene County*; and
- Take the steps necessary to maintain compliance with federal requirements, such as filing a state plan amendment, so as not to jeopardize federal financial participation.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of

Missouri, in the City of Jefferson on

this 5th day of February, 2003.

/s/ Bob Holden

Governor

ATTEST:

/s/ Matt Blunt

Secretary of State

Also,

February 5, 2003

REORGANIZATION PLAN NO. 3

2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 3 of 2003, by Executive Order 03-04, providing for the transfer of workforce and the Parents' Fair Share functions of the Department of Social Services to the Department of Economic Development.

Respectfully submitted,

Bob Holden

Governor

EXECUTIVE ORDER

03-04

WHEREAS, the Department of Social Services is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 660, RSMo; and

WHEREAS, the Division of Family Services is created and established as a division of the Missouri Department of Social Services, pursuant to Section 660.010, RSMo; and

WHEREAS, the Division of Child Support Enforcement is created pursuant to Section 454.400, RSMo, within the Department of Social Services; and

WHEREAS, the Department of Economic Development is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, pursuant to Executive Order 99-03 and Chapter 620, RSMo, the Division of Workforce Development within the Missouri Department of Economic Development is the state agency designated to receive federal Wagner-Peyser funds, administer the free public employment offices, administer Workforce Investment Act funds, administer federal Welfare to Work grants, and administer other employment assistance programs for the citizens of Missouri; and

WHEREAS, the Missouri Department of Social Services is the state agency designated to receive Temporary Assistance for Needy Families (TANF) funds and administer programs under Title IV-A of the Social Security Act, as amended; and

WHEREAS, federal law requires adults in families receiving assistance under TANF to engage in work activities to be eligible to continue to receive assistance; and

WHEREAS, federal law requires determination of the skills, prior work experience, and employability of certain TANF recipients; and

WHEREAS, federal law authorizes work activities such as job search and job readiness assistance, on-the-job training, subsidized employment, education and child care services, or other related assistance for certain participants; and

WHEREAS, the Division of Family Services within the Missouri Department of Social Services currently administers the foregoing assessment, employment, training, and placement activities under TANF; and

WHEREAS, the Division of Child Support Enforcement within the Missouri Department of Social Services administers the Parents Fair Share Program, which provides assessment, employment, training, and placement activities for non-custodial parents; and

WHEREAS, the Division of Workforce Development in the Missouri Department of Economic Development and the Division of Child Support Enforcement and Division of Family Services within the Missouri Department of Social Services have worked closely together in the past in providing the foregoing work-related programs and performing the foregoing work-related functions; and

WHEREAS, the merging of workforce functions will create a "no wrong door access" to employment services, making sure that all clients receive the highest quality training, support services, and work activities, thus increasing the number of employed and employable Missourians; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of workforce and the Parents' Fair Share functions of the Department of Social Services to the Department of Economic Development is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order:

- The transfer of assessment, employment, training, and placement functions under TANF from the Division of Family Services within the Missouri Department of Social Services to the Division of Workforce Development within the Missouri Department of Economic Development;
- The transfer of all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Family Services within the Department of Social Services related to assessment, employment, training, and placement functions authorized by TANF for custodial parents to the Division of Workforce Development within the Missouri Department of Economic Development, by Type I transfer, as defined under the Reorganization Act of 1974;
- The transfer of assessment, employment, training, and placement functions in the Parent's Fair Share Program from the Division of Child Support Enforcement within the Missouri Department of Social Services to the Division of Workforce Development within the Missouri Department of Economic Development;
- The transfer of all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Child Support Enforcement within the Department of Social Services related to assessment, employment, training, and placement services performed in the Parents Fair Share Program, authorized by TANF for non-custodial parents, to the Division of Workforce Development within the Missouri Department of Economic Development, by Type I transfer, as defined under the Reorganization Act of 1974;
- That the Department of Social Services and its divisions shall provide the Division of Workforce Development with access to supportive services as may be necessary to accomplish the assessment, employment, training, and placement services that are transferred herein;
- That the Department of Social Services and the Department of Economic Development develop the mechanisms and processes necessary to effectuate the transfer of the assessment, employment, training, and placement services as specified herein;
- The continuation of contractual agreements for the administration of assessment, employment, training, and placement functions under the Missouri Food Stamp Employment and Training Program between the Division of Family Services of the Missouri Department of Social Services (or its successor agency) to the Division of Workforce Development within the Missouri Department of Economic Development;
- The good faith negotiation of such contractual agreements by the Department of Social Services and the Department of Economic Development with the goal of providing the best services in an efficient manner; and
- The relevant agency or agencies to ensure the filing of any necessary state plan amendments and other actions necessary to maintain compliance with federal requirements.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003.

/s/ Bob Holden

Governor

ATTEST:

/s/ Matt Blunt

Secretary of State

Also,

February 5, 2003

REORGANIZATION PLAN NO. 4

2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 4 of 2003, by Executive Order 03-05, providing for the transfer of the functions of the Division of Highway Safety to the Department of Transportation.

Respectfully submitted,

Bob Holden

Governor

EXECUTIVE ORDER NO.

03-05

WHEREAS, the Department of Public Safety is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 650, RSMo; and

WHEREAS, the Division of Highway Safety is assigned to the Department of Public Safety pursuant to Section 650.005, RSMo; and

WHEREAS, the Missouri Department of Transportation is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 226, RSMo; and

WHEREAS, the Division of Highway Safety works to promote the safe operation of vehicles on or about the highways, roads, and streets of this state; and

WHEREAS, the Department of Transportation is tasked with supervision of the construction, maintenance, and operation of the state highway system; and

WHEREAS, the Division of Highway Safety and the Department of Transportation both engage in activities related to the state highway system and its safe operation; and

WHEREAS, the consolidation of these activities would increase efficiencies and eliminate duplication of efforts; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of the functions of the Division of Highway Safety to the Department of Transportation is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order the Missouri Department of Public Safety, the Division of Highway Safety, and the Missouri Department of Transportation to cooperate to:

- Develop mechanisms and processes necessary to effectively transfer the functions of the Division of Highway Safety to the Department of Transportation;
- 2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Highway Safety to the Department of Transportation, by Type I transfer, as defined under the Reorganization Act of 1974; and
- 3. Take the steps necessary to maintain compliance with federal requirements, such as filing a state plan amendment, so as not to jeopardize federal financial participation with this consolidation.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003

/s/ Bob Holden

Governor

ATTEST:

/s/ Matt Blunt

Secretary of State

Also,

February 5, 2003

REORGANIZATION PLAN NO. 5

2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 5 of 2003, by Executive Order 03-06, providing for the transfer of the Minority Business Advocacy Commission to the Office of Administration.

Respectfully submitted,

Bob Holden

Governor

EXECUTIVE ORDER

03-06

WHEREAS, the Missouri Office of Administration is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 37, RSMo; and

WHEREAS, the Missouri Department of Economic Development is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, the State Office of Equal Employment Opportunity is created by Executive Order 94-03 within the Office of Administration to ensure that there are "no vestiges of discrimination against persons on account of race, sex, color, religion, national origin, age, disability, or veteran status in not only employment practices but the provision of services and operation of facilities"; and

WHEREAS, the Minority Business Advocacy Commission is established by Section 33.752, RSMo, to further the interests and assess the needs of minority businesses in Missouri; and

WHEREAS, Section 33.752.6(13), RSMo, states that the Minority Business Advocacy Commission is responsible for receiving complaints and recommendations concerning policies and activities of federal, state, and local governmental agencies that affect minority small businesses, and for developing proposals for changes in policies or activities to alleviate any unnecessary adverse effects to minority small business; and

WHEREAS, Section 33.752.7, RSMo, states that the Department of Economic Development shall furnish administrative support and staff for the effective operation of the Commission; and

WHEREAS, the Office of Administration and Department of Economic Development agree that the Minority Business Advocacy Commission will be enhanced through placement within the Office of Administration; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of the Minority Business Advocacy Commission to the Office of Administration is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order the Department of Economic Development and the Office of Administration to cooperate to:

- Develop mechanisms and processes necessary to effectively transfer the Minority Business Advocacy Commission from the Department of Economic Development to the Office of Administration.
- Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Minority Business Advocacy Commission to the Office of Administration, by Type II transfer, as defined under the Reorganization Act of 1974.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003.

/s/ Bob Holden

Governor

ATTEST:

/s/ Matt Blunt

Secretary of State

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 451-By Loudon.

An Act to repeal sections 483.015 and 483.083, RSMo, and to enact in lieu thereof two new sections relating to appointment of certain circuit clerks.

SB 452-By Loudon.

An Act to repeal sections 354.085 and 354.405, RSMo, and to enact in lieu thereof two new sections relating to health insurance administration.

SB 453-By Shields.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to meningitis vaccinations.

SB 454-By Coleman and Dougherty.

An Act to repeal sections 701.304, 701.309, and 701.320, RSMo, and to enact in lieu thereof three new sections

relating to prevention, screening, and treatment of lead poisoning, with penalty provisions.

SB 455-By Dougherty and Shields.

An Act to repeal section 210.937, RSMo, and to enact in lieu thereof one new section relating to background checks, with a termination date.

SB 456-By Kennedy, Dolan, Coleman and Dougherty.

An Act to repeal section 87.182, RSMo, and to enact in lieu thereof one new section relating to firemen's retirement systems, with an emergency clause.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 198**, entitled:

An Act to repeal section 544.170, RSMo, and to enact in lieu thereof one new section relating to confinement of persons without process, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 151, regarding Randall Paul Barnes, Cameron, which was adopted.

Senator Bartle offered Senate Resolution No. 152, regarding Grace Elizabeth Eversole, Baltimore, Ohio, which was adopted.

Senator Bartle offered Senate Resolution No. 153, regarding Daniel Cary Burtman, Blue Springs, which was adopted.

COMMUNICATIONS

Senator Gibbons submitted the following:

February 6, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted unanimously to approve the 15th Senate District Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Members of the 15th Senate District Caucus:

Senator Michael R. Gibbons

Representative Jim Avery

Representative Margaret Donnelly

Representative Catherine Hanaway

Representative Kathlyn Fares

Representative Richard Byrd

Representative Jim Lembke

Representative Neal St. Onge

Representative Charles Portwood

Representative Patricia Yaeger

Representative Jodi Stefanick

Representative Michael Vogt

INTRODUCTIONS OF GUESTS

Senator Foster introduced to the Senate, Steve and Ashli Wallace, Jane, Derek, and Andrea Provance, Jimmy and Patty Phelps, Jill Darnell, and Patsy Reuben, Bootheel Youth Museum, Malden; and Ashli, Jill, Derek, and Andrea were made honorary pages.

Senator Shields introduced to the Senate, Steve Wegner, Platte City; Betty Knight and Michael Stout, Kansas City; and Tom Marne, St. Joseph.

Senator Griesheimer introduced to the Senate, Dr. Ed Hillhouse, Presiding Commissioner, Pacific; Terry Wilson, First District Commissioner, Washington; and Ann Schroeder, Second District Commissioner, Union.

Senator Scott introduced to the Senate, Pettis County Commissioners, Rusty Caris and Rod Linderman, Sedalia.

Senator Childers introduced to the Senate, Elizabeth Steiger, Honduras.

Senator Dougherty introduced to the Senate, the Physician of the Day, John Seidenfeld, M.D., St. Louis.

Senator Dolan introduced to the Senate, Marvin and Dorothy Himmel, Sean O'Brien, and Eddie Huber, Lincoln County.

Senator Cauthorn introduced to the Senate, Kelly Forck and Art Ehrhardt, Cole County; Barb Wilson, Amanda Erisman, and Janis Deimeke, Audrain County; Larry and Janice Keener, Callaway County; and Michael Keeth, Miller County.

Senator Russell introduced to the Senate, Robert C. Heagerty, Lebanon.

Senator Foster introduced to the Senate, Jacquelyn Treece, Melissa Wimberly, and Yolanda Kincy, Caruthersville; and

Tanisha Lawrence and Sherry Clark, Hayti.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, February 10, 2003.

SENATE CALENDAR

EIGHTEENTH DAY-MONDAY, FEBRUARY 10, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al

SB 390-Jacob

SB 391-Shields, et al

SB 392-Shields

SB 393-Coleman, et al

SB 394-Bartle

SB 395-Bartle

SB 396-Kennedy

SB 397-Griesheimer

SB 398-Griesheimer, et al

SB 399-Caskey

SB 400-Bray, et al

SB 401-Dolan, et al

SB 402-Dolan

SB 403-Dolan

SB 404-Nodler

SB 405-Klindt, et al

SB 406-Klindt

SB 407-Klindt

SB 408-Klindt

SB 409-Steelman and Griesheimer

SB 410-Shields and Goode

SB 411-Shields

SB 412-Foster, et al

SB 413-Steelman, et al

SB 414-Steelman

SB 415-Yeckel

SB 416-Yeckel

SB 417-Yeckel

SB 418-Cauthorn and Vogel

SB 419-Stoll and Gross

SB 420-Stoll

SB 421-Mathewson

SB 422-Childers

SB 423-Childers

SB 424-Steelman

SB 425-Scott

SB 426-Griesheimer

SB 427-Bartle, et al

SB 428-Shields

SB 429-Vogel

SB 430-Champion

SB 431-Gibbons

SB 432-Cauthorn

SB 433-Yeckel and Gross

SB 434-Yeckel

SB 435-Dolan

SB 436-Klindt

SB 437-Yeckel, et al

SB 438-Clemens, et al

SB 439-Steelman

SB 440-Steelman

SB 441-Dougherty

SB 442-Gross and Yeckel

SB 443-Gross

SB 444-Shields and Steelman

SB 445-Shields

SB 446-Bartle

SB 447-Bartle

SB 448-Bartle

SB 449-Bartle

SB 450-Mathewson, et al

SB 451-Loudon

SB 452-Loudon

SB 453-Shields

SB 454-Coleman and Dougherty

SB 455-Dougherty and Shields

SB 456-Kennedy, et al

SJR 9-Yeckel

SJR 10-Yeckel

SJR 13-Stoll

SJR 16-Jacob and Coleman HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al THIRD READING OF SENATE BILLS

SS for SCS for SB 30-Gross, et al

SB 15-Childers SENATE BILLS FOR PERFECTION

1. SB 246-Steelman, et al, with SCS

2. SB 33-Loudon and Scott

3. SB 112-Loudon, with SCS

4. SB 13-Kinder

5. SB 11-Kinder and Scott, with SCS

6. SB 265-Shields and Scott, with SCS

7. SB 36-Klindt and Cauthorn, with SCS

8. SBs 299 & 40-Champion,

et al, with SCS

9. SB 55-Nodler, with SCS

10. SB 217-Champion and Clemens

11. SB 51-Shields INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,

with SCS (pending)

RESOLUTIONS

To be Referred

SCR 5-Cauthorn, et al

Reported from Committee

SR 30-Shields, with SCS

Journal of the Senate

FIRST REGULAR SESSION

EIGHTEENTH DAY--MONDAY, FEBRUARY 10, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Curiosity is one of the permanent and certain characteristics of a vigorous mind." (Samuel Johnson, 1751)

Gracious God, we thank You for Your intricate and fascinating creation that allows us to explore new ways of doing things as we grow in our understanding of our world and the economics and physics that control it. Bless us this week to seek new ways that benefit Your people and the creative process that is before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 6, 2003, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 154, regarding Dave White, Kirkwood, which was adopted.

Senator Vogel offered Senate Resolution No. 155, regarding Vernon Gage, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 156, regarding Dennis Dale Maxwell, Ph.D., Jefferson City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 457-By Caskey.

An Act to repeal section 476.340, RSMo, and to enact in lieu thereof one new section relating to Executive Council of the Judicial Conference of the state of Missouri.

SB 458-By Childers.

An Act to repeal section 320.093, RSMo, and to enact in lieu thereof one new section relating to the dry hydrant tax credit.

SB 459-By Loudon.

An Act to repeal section 354.603, RSMo, and to enact in lieu thereof one new section relating to sufficiency of health insurance networks.

SB 460-By Loudon.

An Act to repeal section 376.995, RSMo, and to enact in lieu thereof seven new sections relating to mandated benefits for health insurance.

SB 461-By Bray.

An Act to repeal sections 168.114, 168.116, 168.118, and 168.120, RSMo, and to enact in lieu thereof four new sections relating to teachers of the public schools.

SB 462-By Gross.

An Act to amend chapter 103, RSMo, by adding thereto one new section relating to medical coverage for certain state employee retirees, with an emergency clause.

SB 463-By Gross.

An Act to repeal section 355.331 as enacted by house substitute for senate bill no. 768, eighty-eighth general assembly, second regular session, and to enact in lieu thereof one new section for the sole purpose of reenacting section 355.331 as enacted by house substitute for senate bill no. 768, eighty-eighth general assembly, second regular session which was held unconstitutional by the Missouri Supreme Court.

SB 464-By Gibbons.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to subro-gation rights of public entities.

SB 465-By Bartle.

An Act to repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to annual reports of the judicial finance commission.

SB 466-By Bartle.

An Act to repeal sections 57.290, 67.133, and 488.5320, RSMo, and to enact in lieu thereof two new sections relating to charges in criminal cases.

SB 467-By Bartle.

An Act to repeal section 488.5339, RSMo, and to enact in lieu thereof one new section relating to a surcharge to fund

the crime victims' compensation fund.

SB 468-By Bartle.

An Act to repeal section 577.051, RSMo, and to enact in lieu thereof one new section relating to the forwarding of case dispositions to the Missouri state highway patrol, with penalty provisions.

SB 469-By Bartle.

An Act to repeal section 535.030, RSMo, and to enact in lieu thereof one new section relating to service of summons in landlord-tenant actions.

SB 470-By Bartle.

An Act to repeal sections 511.350, 511.510, 517.141, and 517.151, RSMo, and to enact in lieu thereof two new sections relating to liens on real estate.

SB 471-By Bartle.

An Act to repeal section 454.505, RSMo, and to enact in lieu thereof one new section relating to filing of garnishment orders.

CONCURRENT RESOLUTIONS

Senator Stoll offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) of the federal Social Security Act penalize people who have dedicated their lives to public service by taking away benefits they have earned; and

WHEREAS, nine out of ten public employees affected by the GPO lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years; and

WHEREAS, the WEP causes hard-working people to lose up to sixty percent of the benefits they earned themselves; and

WHEREAS, many workers rely on misleading Social Security Administration statements that fail to take into account the GPO and WEP when projecting benefits; and

WHEREAS, the impact of the GPO and WEP is not just felt in those states in which public employees, including educators, are not covered by Social Security, because people move from state to state and affected individuals are everywhere; and

WHEREAS, the GPO and WEP apply to all vested members of the Public School Retirement System of Missouri; and

WHEREAS, the number of people affected across the country is growing every day as more and more people reach retirement age; and

WHEREAS, some 300,000 individuals lose an average of \$3,600 a year due to the GPO; and

WHEREAS, this amount can make the difference between self-sufficiency and poverty; and

WHEREAS, these people have less money to spend in their local economy and sometimes have to turn to expensive government programs like food stamps to make ends meet; and

WHEREAS, during a national teacher shortage, the GPO and WEP discourage people from entering and staying in the teaching profession, since doing so will mean a loss of earned Social Security benefits; and

WHEREAS, the GPO and WEP are also causing current educators to leave the profession and students to choose courses of study other than education; and

WHEREAS, non-Social Security states are finding it increasingly difficult to attract quality educators as more people learn about the GPO and WEP; and

WHEREAS, the nation should respect, not penalize, public service; and

WHEREAS, the GPO and WEP are established in federal law and repeal of the GPO and WEP can only be enacted by the United States Congress:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Congress of the United States to immediately repeal the Government Pension Offset and Windfall Elimination Provision of the Social Security Act; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

Senator Gibbons announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 143**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 14**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 47**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 62**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 68**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 101**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 121**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 130**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 173**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 224**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 228**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 232**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 235**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 275**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 281**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 282**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which were referred **SB 194** and **SB 189**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 215**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 255**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 255, Page 1, Section 393.110, Line 16, by inserting at the end of said line the following:
"Nothing in this section shall be construed as amending or superseding the commission's authority granted pursuant to subsection 1 of section 386.310, RSMo, section 386.800, RSMo, section 393.106, and section 394.312, RSMo."

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 52**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 266**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 75**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 246**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 246**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 246

An Act to repeal sections 386.050, 386.120, and 386.210, RSMo, and to enact in lieu thereof four new sections relating to the public service commission.

Was taken up.

Senator Steelman moved that **SCS** for **SB 246** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 246, Section 386.050, Pages 1-2, Lines 14-19, by deleting all of said lines and by inserting in lieu thereof the following:

"2. No member of the commission shall establish or maintain a committee that is regulated by the campaign finance disclosure law in chapter 130, RSMo, except those members who were members and had established such a campaign committee prior to the effective date of this subsection. No member of the commission who established and maintained such a campaign committee prior to the effective date of this subsection shall allow contributions or deposits to be made into such campaign committee nor expenditures to be made by or on behalf of such campaign committee during the time period that such person is a member of the commission. Nothing in this subsection shall be construed to limit or prohibit the activities of members of the commission, or the activities of such regulated campaign committees, which activities occurred prior to the effective date of this subsection."

Senator Goode moved that the above amendment be adopted.

Senator Shields assumed the Chair.

At the request of Senator Steelman, **SB 246**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 390--Pensions and General Laws.

SB 391--Aging, Families, Mental and Public Health.

SB 392--Commerce and the Environment.

SB 393--Aging, Families, Mental and Public Health.

SB 394--Judiciary and Civil and Criminal Jurisprudence.

SB 395--Judiciary and Civil and Criminal Jurisprudence.

SB 396--Ways and Means.

SB 397--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 399--Judiciary and Civil and Criminal Jurisprudence.

SB 401--Judiciary and Civil and Criminal Jurisprudence.

SB 402--Transportation.

SB 403--Transportation.

SB 404--Judiciary and Civil and Criminal Jurisprudence.

SB 405--Agriculture, Conservation, Parks and Natural Resources.

SB 406--Small Business, Insurance and Industrial Relations.

SB 407--Small Business, Insurance and Industrial Relations.

SB 408--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 409--Judiciary and Civil and Criminal Jurisprudence.

SB 410--Aging, Families, Mental and Public Health.

SB 411--Pensions and General Laws.

SB 412--Ways and Means.

SB 414--Pensions and General Laws.

SB 415--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 416--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 417--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 418--Judiciary and Civil and Criminal Jurisprudence.

SB 419--Transportation.

SB 420--Pensions and General Laws.

SB 421--Economic Development, Tourism and Local Government.

SB 422--Education.

SB 423--Transportation.

SB 424--Aging, Families, Mental and Public Health.

SB 425--Aging, Families, Mental and Public Health.

SB 426--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 427--Judiciary and Civil and Criminal Jurisprudence.

SB 428--Education.

SB 429--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 430--Aging, Families, Mental and Public Health.

SB 431--Aging, Families, Mental and Public Health.

SB 436--Pensions and General Laws.

SJR 9--Financial and Governmental Organization, Veterans' Affairs and Elections.

SJR 10--Financial and Governmental Organization, Veterans' Affairs and Elections.

SJR 13--Financial and Governmental Organization, Veterans' Affairs and Elections.

REFERRALS

President Pro Tem Kinder referred **SB 15** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred **SCR 5** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 7, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel J. Abbott, 10125 Zenith Lovet St., St. Louis, St. Louis County, Missouri 63123, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 7, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda R. Bohrer, 423 Van Horn Road, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri Head Injury Advisory Council, for a term ending December 12, 2004, and until her successor is duly appointed and qualified; vice, Jim Casey, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 7, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lethrone Johnson, 12 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 7, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael Leo Kehoe, Republican, 1618 Paddlewheel Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2007, and until his successor is duly appointed and qualified; vice, John Thorne, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 7, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas J. Mathis III, 1235 County Road 411, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 7, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rolla Jay Plattner, Republican, Route 2, Box 109, Grand Pass, Saline County, Missouri 65339, as a member of the Missouri Agriculture and Small Business Development Authority, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Nellie Clemens, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the

following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 63**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Steve and Tracy Simmons, their children, Taylor and Sierra; and Elena Astraityte, Lee's Summit.

Senator Yeckel introduced to the Senate, Thomas M. Sullivan, Washington, D.C.

On behalf of Senator Childers and herself, Senator Yeckel introduced to the Senate, Scott George, Mt. Vernon.

Senator Steelman introduced to the Senate, Cheryl Carrier, and her daughters, Chelsea and Lindsay; and Cheryl Brown and Vicki McCutcheon, Columbia.

Senator Griesheimer introduced to the Senate, Chris, Charles, and Marge Manhart, Union.

Senator Kennedy introduced to the Senate, Cynthia and Jessica Chase, Viburnum; and Viet Huynh, Vietnam.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

NINETEENTH DAY-TUESDAY, FEBRUARY 11, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al

SB 398-Griesheimer, et al

SB 400-Bray, et al

SB 413-Steelman, et al

SB 432-Cauthorn

SB 433-Yeckel and Gross

SB 434-Yeckel

SB 435-Dolan

SB 437-Yeckel, et al

SB 438-Clemens, et al

SB 439-Steelman

SB 440-Steelman

SB 441-Dougherty

SB 442-Gross and Yeckel

SB 443-Gross

SB 444-Shields and Steelman

SB 445-Shields

SB 446-Bartle

SB 447-Bartle

SB 448-Bartle

SB 449-Bartle

SB 450-Mathewson, et al

SB 451-Loudon

SB 452-Loudon

SB 453-Shields

SB 454-Coleman and Dougherty

SB 455-Dougherty and Shields

SB 456-Kennedy, et al

SB 457-Caskey

SB 458-Childers

SB 459-Loudon

SB 460-Loudon

SB 461-Bray

SB 462-Gross

SB 463-Gross

SB 464-Gibbons

SB 465-Bartle

SB 466-Bartle

SB 467-Bartle

SB 468-Bartle

SB 469-Bartle

SB 470-Bartle

SB 471-Bartle

SJR 16-Jacob and Coleman

HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 30-Gross,

et al

SB 15-Childers

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 33-Loudon and Scott
2. SB 112-Loudon, with SCS
3. SB 13-Kinder
4. SB 11-Kinder and Scott, with SCS
5. SB 265-Shields and Scott, with SCS
6. SB 36-Klindt and Cauthorn,
with SCS
7. SBs 299 & 40-Champion,
et al, with SCS
8. SB 55-Nodler, with SCS
9. SB 217-Champion and
Clemens
10. SB 51-Shields

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,
with SCS (pending)

SB 246-Steelman, et al, with
SCS & SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 143-Goode

SB 14-DePasco

SB 47-Kennedy

SB 62-Caskey

SB 68-Childers

SB 101-Caskey

SB 121-Caskey

SB 130-Gross, with SCS

SB 173-Quick

SB 224-Vogel, with SCS

SB 228-Griesheimer

SB 232-Cauthorn

SB 235-Quick

SB 275-Russell

SB 281-Shields

SB 282-Shields

SBs 194 & 189-Scott, with SCS

SB 215-Foster, with SCS

SB 255-Kinder, with SCA 1

SB 52-Shields, with SCS

SB 266-Shields and Kennedy

SB 75-Steelman and Gross,

with SCS

SB 63-Caskey

RESOLUTIONS

To be Referred

SCR 6-Stoll

Reported from Committee

SR 30-Shields, with SCS

Journal of the Senate

FIRST REGULAR SESSION

NINETEENTH DAY--TUESDAY, FEBRUARY 11, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

Reverend Carl Gauck offered the following prayer:

"Why do you make me see wrongdoing and look at trouble." (Habakkuk 1:3)

We thank You, O God, for the gift of sight to be able to see the beauty of the world as well as evil that goes on. And we thank You that we are empowered to provide the means to mend brokenness and laws to ensure justice. Provide us clarity of sight and guide us in our decision making. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Gross offered Senate Resolution No. 157, regarding Christopher Ryan "Chris" Dill, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 158, regarding Christopher Michael "Chris" Mejia, St. Charles, which was adopted.

Senator Steelman offered Senate Resolution No. 159, regarding Mary Ann Durham, Holts Summit, which was adopted.

Senator Cauthorn offered Senate Resolution No. 160, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Okie Bradley, Baring, which was adopted.

Senator Cauthorn offered Senate Resolution No. 161, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Hawn, Monroe City, which was adopted.

Senator Shields moved that **SR 30**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SR 30** was taken up.

Senator Shields moved that **SCS** for **SR 30** be adopted.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Resolution No. 30, Page 1, Rule 95, Lines 4-7, by deleting all words in bold-face type on said lines.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Cauthorn, Kennedy and Loudon.

SA 1 was adopted by the following vote:

YEAS--Senators

Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dougherty	Goode	Jacob	Kennedy
Mathewson	Quick	Russell	Stoll
Wheeler--17			

NAYS--Senators

Bartle	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Scott	Shields
Stelman	Vogel	Yeckel--15	

Absent--Senator Days--1

Absent with leave--Senator DePasco--1

Senator Bartle offered **SS** for **SCS** for **SR 30**:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE RESOLUTION NO. 30

Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, First Regular Session, that Senate Rule 95 be amended to read as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used by **members of the senate at their desks, the staff of Senate Research at the Research table and** the press at the press table in the Senate Chamber. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash

cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

Senator Bartle moved that **SS** for **SCS** for **SR 30** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Resolution No. 30, Page 1, Rule 95, Line 7, by striking the words "at their desks" and inserting in lieu thereof the words "**in the rear gallery**".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Shields, **SR 30**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed back on the Resolutions Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 472-By Loudon.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state school aid to school districts.

SB 473-By Stoll.

An Act to repeal section 620.017, RSMo, and to enact in lieu thereof one new section relating to economic incentives.

SB 474-By Bartle.

An Act to repeal section 488.426, RSMo, and to enact in lieu thereof one new section relating to surcharges in civil case filings.

SB 475-By Jacob.

An Act to amend chapter 313, RSMo, by adding thereto eight new sections relating to funding of higher education with video gaming revenue, with penalty provisions.

SB 476-By Jacob.

An Act to repeal section 172.360, RSMo, and to enact in lieu thereof one new section relating to admission to the state university of Missouri system.

REFERRALS

President Pro Tem Kinder referred **SCR 6** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTION OF BILLS

Senator Gross requested unanimous consent of the Senate to withdraw **SB 443**, which request was granted.

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 477-By Griesheimer.

An Act to amend chapter 407, RSMo, by adding thereto eleven new sections relating to the motor vehicle extended service contracts act, with penalty provisions and a severability clause.

SB 478-By Gross.

An Act to repeal sections 327.401 and 327.411, RSMo, and to enact in lieu thereof three new sections relating to professional licensing of certain architects.

SB 479-By Gross.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to department of transportation employees' annual leave.

SB 480-By Dolan.

An Act to repeal sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665, and 334.670, RSMo, and to enact in lieu thereof ten new sections relating to physical therapists.

SB 481-By Dolan.

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof four new sections relating to the transportation accountability act.

SJR 17-By Dolan.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30 (b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the department of transportation.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 10, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Corrections

Dear Terry:

Pursuant to Section 21.440, RSMo, I am appointing Senator Maida Coleman to the Joint Committee on Corrections.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Connie Stephens, Cass County.

Senator Stoll introduced to the Senate, his wife, Kathy; and Lori Wood, Karen Huskey, Cindy Gastritch, Michelle Hagan and Kim Stewart, teachers from Hillsboro.

Senator Kennedy introduced to the Senate, Tim Ema, St. Louis.

Senator Caskey introduced to the Senate, twenty-three students from Central Missouri State University, Warrensburg.

Senator Loudon introduced to the Senate, Beth Ernst, and students from Garrett School, Hazelwood; and Marissa Fawcett, Anna Poeppelmeier, Danielle Mackiewicz, and Samantha Eilers were made honorary pages.

Senator Jacob introduced to the Senate, the Physician of the Day, Stevan Whitt, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTIETH DAY-WEDNESDAY, FEBRUARY 12, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al

SB 398-Griesheimer, et al

SB 400-Bray, et al

SB 413-Steelman, et al

SB 432-Cauthorn

SB 433-Yeckel and Gross

SB 434-Yeckel

SB 435-Dolan

SB 437-Yeckel, et al

SB 438-Clemens, et al

SB 439-Steelman

SB 440-Steelman

SB 441-Dougherty

SB 442-Gross and Yeckel

SB 444-Shields and Steelman

SB 445-Shields

SB 446-Bartle

SB 447-Bartle

SB 448-Bartle

SB 449-Bartle

SB 450-Mathewson, et al

SB 451-Loudon

SB 452-Loudon

SB 453-Shields

SB 454-Coleman and Dougherty

SB 455-Dougherty and Shields

SB 456-Kennedy, et al

SB 457-Caskey

SB 458-Childers

SB 459-Loudon

SB 460-Loudon

SB 461-Bray

SB 462-Gross

SB 463-Gross

SB 464-Gibbons

SB 465-Bartle

SB 466-Bartle

SB 467-Bartle

SB 468-Bartle

SB 469-Bartle

SB 470-Bartle

SB 471-Bartle

SB 472-Loudon

SB 473-Stoll

SB 474-Bartle

SB 475-Jacob

SB 476-Jacob

SB 477-Griesheimer

SB 478-Gross

SB 479-Gross

SB 480-Dolan

SB 481-Dolan

SJR 16-Jacob and Coleman

SJR 17-Dolan HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al THIRD READING OF SENATE BILLS

SS for SCS for SB 30-Gross,

et al

SB 15-Childers

(In Fiscal Oversight) SENATE BILLS FOR PERFECTION

1. SB 33-Loudon and Scott

2. SB 112-Loudon, with SCS
3. SB 13-Kinder
4. SB 11-Kinder and Scott,
with SCS
5. SB 265-Shields and Scott,
with SCS
6. SB 36-Klindt and Cauthorn, with SCS
7. SBs 299 & 40-Champion,
et al, with SCS
8. SB 55-Nodler, with SCS
9. SB 217-Champion and
Clemens
10. SB 51-Shields INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 18-Yeckel and Cauthorn,
with SCS (pending)
- SB 246-Steelman, et al, with
SCS & SA 1 (pending) CONSENT CALENDAR

Senate Bills

Reported 2/10

- SB 143-Goode
- SB 14-DePasco
- SB 47-Kennedy
- SB 62-Caskey

SB 68-Childers

SB 101-Caskey

SB 121-Caskey

SB 130-Gross, with SCS

SB 173-Quick

SB 224-Vogel, with SCS

SB 228-Griesheimer

SB 232-Cauthorn

SB 235-Quick

SB 275-Russell

SB 281-Shields

SB 282-Shields

SBs 194 & 189-Scott, with SCS

SB 215-Foster, with SCS

SB 255-Kinder, with SCA 1

SB 52-Shields, with SCS

SB 266-Shields and Kennedy

SB 75-Steelman and Gross,

with SCS

SB 63-Caskey

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY--WEDNESDAY, FEBRUARY 12, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"Hope in God; for I shall again praise him, my help and my God." (Psalm 42)

Gracious God, it is Your presence that sustains us and provides meaning in our lives. Guide us through this day as we seek ways to do Your will among the people who have put their trust in us. And allow us to be bearers of good news amid all the bad news about us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Dolan offered Senate Resolution No. 162, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Walter Scheffing, Troy, which was adopted.

Senator Yeckel offered Senate Resolution No. 163, regarding Greg and Marsha Haefner, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 164, regarding David Robert, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 165, regarding Mohamad Z. Alhalabi, P.E., St. Louis, which was adopted.

Senator Gross offered Senate Resolution No. 166, regarding the Ninetieth Birthday of Loretta Mundwiller, St. Peters,

which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 482-By Kennedy.

An Act to amend chapter 321, RSMo, by adding thereto one new section relating to fire protection districts, with an emergency clause.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 33** be taken up for perfection, which motion prevailed.

Senator Loudon offered **SS** for **SB 33**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 33

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to establishment of the open contracting act.

Senator Loudon moved that **SS** for **SB 33** be adopted.

At the request of Senator Loudon, **SB 33**, with **SS** (pending), was placed on the Informal Calendar.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 436**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 15**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 483-By Gross.

An Act to repeal sections 67.895 and 137.101, RSMo, and to enact in lieu thereof one new section relating to property tax exemptions for certain real property.

SB 484-By Shields.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Lori Cook, and her daughters, Allison and Rachel, Laura McGowan, and Jim Hogan, Adrian; and Allison and Rachel were made honorary pages.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. John B. Holds, M.D., St. Louis.

On behalf of Senators Wheeler, DePasco and herself, Senator Yeckel introduced to the Senate, students from Benjamin Banneker Charter School of Technology and Gordon Parks Elementary Schools, Kansas City; and representatives of The Learning Exchange Charter School Partnership from Kansas City and St. Louis; and Jacquanise Johnson, Michael Dotson, Ramona Carter, and Nyla Handy were made honorary pages.

Senator Wheeler introduced to the Senate, Jerry Seitz, Louis Read, and students from Hogan Charter School, Kansas City; and students from Alta Vista and Southwest Charter Schools, Kansas City.

On behalf of Senator Quick and himself, Senator Shields introduced to the Senate, Ted Buckland, Paul Murphy, Jay Goodman, and representatives of the American Cancer Society.

Senator Yeckel introduced to the Senate, Phil Hess and Cub Scout Pack #646, St. Louis; and Andrew Biehle, Joe Ebel, Nick Gier, Paul Hess, Dan Hilse, and Joe Luckey were made honorary pages.

On behalf of Senator Steelman and himself, Senator Cauthorn introduced to the Senate, Spring and Emily Peak, Ciarra Reese, and Christa Lenord, Northeast Missouri.

Senator Griesheimer introduced to the Senate, Debbie Door, Union; and Karen Miller, Karen Skornia, Donna Marquart, and Jane Rembusch, Washington.

Senator Scott introduced to the Senate, Stephanie Doering and Kristen Crawford, Kansas City.

On behalf of Senator Bartle, the President introduced to the Senate, Lori Driggs, Grain Valley; and Scherrie Stanley, Oak Grove.

Senator Klindt introduced to the Senate, representatives of Great Northwest Legislative Day from Albany, Andrew County, Atchison County, Bethany, Brookfield, Buchanan County, Cameron, Chillicothe, Grant City, Maryville, Savannah, St. Joseph, Trenton, and Worth County.

Senator Nodler introduced to the Senate, Sandra A. Scorse, Kay Carlton, and Dr. Tia Strait, Joplin.

Senator Shields introduced to the Senate, former State Representative, Dan Hegeman, Savannah.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIRST DAY-THURSDAY, FEBRUARY 13, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al
SB 398-Griesheimer, et al
SB 400-Bray, et al
SB 413-Steelman, et al
SB 432-Cauthorn
SB 433-Yeckel and Gross
SB 434-Yeckel
SB 435-Dolan
SB 437-Yeckel, et al
SB 438-Clemens, et al
SB 439-Steelman
SB 440-Steelman
SB 441-Dougherty
SB 442-Gross and Yeckel
SB 444-Shields and
Steelman
SB 445-Shields
SB 446-Bartle
SB 447-Bartle
SB 448-Bartle
SB 449-Bartle

SB 450-Mathewson, et al

SB 451-Loudon

SB 452-Loudon

SB 453-Shields

SB 454-Coleman and

Dougherty

SB 455-Dougherty and

Shields

SB 456-Kennedy, et al

SB 457-Caskey

SB 458-Childers

SB 459-Loudon

SB 460-Loudon

SB 461-Bray

SB 462-Gross

SB 463-Gross

SB 464-Gibbons

SB 465-Bartle

SB 466-Bartle

SB 467-Bartle

SB 468-Bartle

SB 469-Bartle

SB 470-Bartle

SB 471-Bartle

SB 472-Loudon

SB 473-Stoll

SB 474-Bartle

SB 475-Jacob

SB 476-Jacob

SB 477-Griesheimer

SB 478-Gross

SB 479-Gross

SB 480-Dolan

SB 481-Dolan, et al

SB 482-Kennedy

SB 483-Gross

SB 484-Shields

SJR 16-Jacob and Coleman

SJR 17-Dolan, et al

HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 30-Gross,

et al

SB 15-Childers

SENATE BILLS FOR PERFECTION

1. SB 112-Loudon, with SCS

2. SB 13-Kinder

3. SB 11-Kinder and Scott, with SCS

4. SB 265-Shields and Scott,

with SCS

5. SB 36-Klindt and Cauthorn,

with SCS

6. SBs 299 & 40-Champion,

et al, with SCS

7. SB 55-Nodler, with SCS

8. SB 217-Champion and

Clemens

9. SB 51-Shields

10. SB 436-Klindt, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,

with SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 246-Steelman, et al, with

SCS & SA 1 (pending)

CONSENT CALENDAR

Senate Bills

SB 143-Goode

SB 14-DePasco

SB 47-Kennedy

SB 62-Caskey

SB 68-Childers

SB 101-Caskey

SB 121-Caskey

SB 130-Gross, with SCS

SB 173-Quick

SB 224-Vogel, with SCS

SB 228-Griesheimer

SB 232-Cauthorn

SB 235-Quick

SB 275-Russell

SB 281-Shields

SB 282-Shields

SBs 194 & 189-Scott, with

SCS

SB 215-Foster, with SCS

SB 255-Kinder, with SCA 1

SB 52-Shields, with SCS

SB 266-Shields and Kennedy

SB 75-Steelman and Gross,

with SCS

SB 63-Caskey

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY--THURSDAY, FEBRUARY 13, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Love never ends." (I Corinthians 13:8)

Lord God, we know that You have continued to show Your love for us and expect us to love those You have given us to love. On this day and this coming Valentine weekend let us show our love to those who mean so much to us and to show appreciation to those who work with and for us. And help us Lord to show kindness even to those we don't like too much. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 167, regarding the Fraternal Order of Eagles Mississippi River Eagles Auxiliary #4341, Crystal City, which was adopted.

Senator Bartle offered Senate Resolution No. 168, regarding Jennifer Trenchard, Lee's Summit, which was adopted.

Senator Days offered Senate Resolution No. 169, regarding Rebekah Bouas, Ferguson, which was adopted.

Senator Foster offered Senate Resolution No. 170, regarding the St. Francis River Band Tribal Council in honor of the Cherokee on the St. Francis River, which was adopted.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 30**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 30

An Act to amend chapter 210, RSMo, by adding thereto two new sections relating to missing persons.

Was taken up by Senator Gross.

On motion of Senator Gross, **SS** for **SCS** for **SB 30** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Bland	Bray	DePasco	Dolan
Jacob	Quick--6		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 15, introduced by Senator Childers, entitled:

An Act to repeal section 21.183, RSMo, relating to the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Childers, **SB 15** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

NAYS--Senator Kinder--1

Absent--Senators

Bland

DePasco

Dolan

Goode--4

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

SB 112, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kinder, **SB 13** was placed on the Informal Calendar.

At the request of Senator Kinder, **SB 11**, with **SCS**, was placed on the Informal Calendar.

SB 265, with **SCS**, was placed on the Informal Calendar.

SB 36, with **SCS**, was placed on the Informal Calendar.

Senator Champion moved that **SB 299** and **SB 40**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 299** and **40**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 299 and 40

An Act to repeal sections 33.210, 33.270, 33.800, 33.803, 33.805, 33.807, and 33.810, RSMo, and to enact in lieu thereof seven new sections relating to performance-based budgeting.

Was taken up.

Senator Champion moved that **SCS** for **SBs 299** and **40** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SBs 299** and **40** was declared perfected and ordered printed.

At the request of Senator Nodler, **SB 55**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Champion, **SB 217** was placed on the Informal Calendar.

SB 51 was placed on the Informal Calendar.

Senator Klindt moved that **SB 436**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 436**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 436

An Act to repeal sections 8.550 and 8.570, RSMo, and to enact in lieu thereof two new sections relating to the tobacco securitization settlement trust fund, with an emergency clause.

Was taken up.

Senator Gross assumed the Chair.

Senator Klindt moved that **SCS** for **SB 436** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 436, Page 4, Section 8.570, Line 6, by inserting immediately after the word "the" as it appears the second time on said line the word "**net**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SS** for **SCS** for **SB 436**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 436

An Act to appropriate money pursuant to Article IV, Section 27(a), Subsection 5 of the Missouri Constitution and for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds designated for the fiscal period ending June 30, 2003, in order to preserve funds obtained in the tobacco securitization settlement trust fund.

Senator Quick moved that **SS** for **SCS** for **SB 436** be adopted.

Senator Steelman raised the point of order that **SS** for **SCS** for **SB 436** is out of order as it goes beyond the title of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Steelman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 436, Page 1, Section 1, Line 8, by striking the words "Two Hundred" and insert in lieu thereof the following: "One hundred" and further amend line 13, by striking the number "\$200,000,000" and inserting in lieu thereof the following: "\$100,000,000".

Senator Steelman moved that the above amendment be adopted.

Photographers from KMIZ-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

Senator Cauthorn offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 436, Page 1, Section 1, Line 8, by deleting the word "Two Hundred" and inserting in lieu thereof the following: "One hundred fifty" and further amend line 13, by striking the number "\$200,000,000" and inserting in lieu thereof the following: "\$150,000,000".

Senator Cauthorn moved that the above substitute amendment be adopted.

Senator Jacob requested a roll call vote be taken and was joined in his request by Senators Cauthorn, Coleman, Days and Stoll.

SSA 1 for **SA 1** was adopted by the following vote:

YEAS--Senators

Caskey	Cauthorn	Champion	Dolan
Dougherty	Gibbons	Goode	Gross
Kennedy	Kinder	Klindt	Nodler
Quick	Scott	Steelman	Vogel
Yeckel--17			

NAYS--Senators

Bartle	Bland	Bray	Childers
Clemens	Coleman	Days	Foster
Griesheimer	Jacob	Loudon	Mathewson
Russell	Shields	Stoll	Wheeler--16

Absent--Senators--None

Absent with leave--Senator DePasco--1

Senator Shields offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 436, Page 1, Section 1, Line 7, by inserting immediately after "Section 1." the following: "Notwithstanding provisions of the Missouri Constitution to the contrary".

Senator Shields moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SS** for **SCS** for **SB 436** is out of order because the subject matter contained in the substitute has not been properly presented to the body.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **SB 436**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 432--Transportation.

SB 433--Judiciary and Civil and Criminal Jurisprudence.

SB 434--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 435--Aging, Families, Mental and Public Health.

SB 437--Ways and Means.

SB 438--Transportation.

SB 439--Economic Development, Tourism and Local Government.

SB 442--Judiciary and Civil and Criminal Jurisprudence.

SB 445--Education.

SB 446--Judiciary and Civil and Criminal Jurisprudence.

SB 447--Judiciary and Civil and Criminal Jurisprudence.

SB 448--Judiciary and Civil and Criminal Jurisprudence.

SB 449--Pensions and General Laws.

SB 450--Ways and Means.

SB 451--Judiciary and Civil and Criminal Jurisprudence.

SB 452--Small Business, Insurance and Industrial Relations.

SB 453--Aging, Families, Mental and Public Health.

SB 454--Aging, Families, Mental and Public Health.

SB 455--Aging, Families, Mental and Public Health.

SB 456--Pensions and General Laws.

SB 457--Judiciary and Civil and Criminal Jurisprudence.

SB 458--Ways and Means.

SB 459--Small Business, Insurance and Industrial Relations.

SB 460--Small Business, Insurance and Industrial Relations.

SB 461--Education.

SB 462--Small Business, Insurance and Industrial Relations.

SB 464--Judiciary and Civil and Criminal Jurisprudence.

SB 465--Judiciary and Civil and Criminal Jurisprudence.

SB 466--Judiciary and Civil and Criminal Jurisprudence.

SB 467--Judiciary and Civil and Criminal Jurisprudence.

SB 468--Judiciary and Civil and Criminal Jurisprudence.

SB 469--Judiciary and Civil and Criminal Jurisprudence.

SB 470--Judiciary and Civil and Criminal Jurisprudence.

SB 471--Judiciary and Civil and Criminal Jurisprudence.

SB 472--Education.

SB 474--Judiciary and Civil and Criminal Jurisprudence.

SB 476--Education.

SB 477--Commerce and the Environment.

SB 478--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 479--Transportation.

SB 480--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 481--Transportation.

SJR 16--Financial and Governmental Organization, Veterans' Affairs and Elections.

SJR 17--Transportation.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 427** to the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 122** and **80**, entitled:

An Act to repeal sections 92.402 and 92.418, RSMo, and to enact in lieu thereof two new sections relating to a public mass transportation system sales tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 74**, entitled:

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to unemployment reimbursement for Indian tribes in compliance with federal mandate, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 401**, entitled:

An Act to repeal sections 8.550 and 8.570, RSMo, and to enact in lieu thereof two new sections relating to the tobacco securitization settlement trust fund, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 485-By Shields.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to public hospitals.

SB 486-By Dolan.

An Act to repeal section 379.201, RSMo, and to enact in lieu thereof one new section relating to automobile insurance coverage of loaned vehicles.

SB 487-By Dolan.

An Act to repeal sections 488.2250 and 488.2253, RSMo, and to enact in lieu thereof two new sections relating to fees associated with court reporters.

SB 488-By Dolan.

An Act to repeal section 632.495, RSMo, and to enact in lieu thereof two new sections relating to appellate review of sexually violent predator proceedings.

SB 489-By Dolan.

An Act to repeal section 488.5336, RSMo, and to enact in lieu thereof one new section relating to court costs.

SB 490-By Dolan.

An Act to repeal sections 302.510, 302.530, and 577.041, RSMo, and to enact in lieu thereof three new sections relating to duties of law enforcement officers with respect to alcohol-related traffic offenses.

SB 491-By Scott.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to contract disputes involving the department of transportation.

SB 492-By Scott.

An Act to repeal section 324.409, RSMo, and to enact in lieu thereof one new section relating to commercial interior designers.

SB 493-By Kennedy.

An Act to repeal sections 191.323 and 191.331, RSMo, and to enact in lieu thereof three new sections relating to genetic screening.

SB 494-By Klindt.

An Act to repeal sections 256.635, 259.190, 260.203, 260.273, 260.330, 260.391, 260.475, 260.479, 260.480, 260.920, 319.123, 414.359, 414.407, 444.370, 444.730, 444.915, 444.960, 640.110, 640.220, 640.665, 640.740, 643.245, 643.350, and 644.055, RSMo, section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 & 783, ninetieth general assembly, first regular session, and section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, and to enact in lieu thereof twenty-three new sections relating to the department of natural resources, with penalty provisions and an emergency clause for a certain section.

SB 495-By Yeckel.

An Act to repeal sections 304.010 and 304.015, RSMo, and to enact in lieu thereof two new sections relating to restrictions on trucks, with penalty provisions.

SB 496-By Yeckel.

An Act to repeal sections 364.030, 364.105, 365.030, 367.140, 367.509, and 408.500, RSMo, and to enact in lieu thereof six new sections relating to the licensing, regulation and activities of lenders.

SB 497-By Yeckel, Kinder and Steelman.

An Act to amend chapter 167, RSMo, by adding thereto three new sections relating to the show-me parental choice tax credit program.

SB 498-By Yeckel.

An Act to repeal sections 494.400, 494.425, 494.430, 494.431, 494.445, 494.450, and 494.460, RSMo, and to enact in lieu thereof eight new sections relating to juries, with penalty provisions.

SB 499-By Bartle.

An Act to repeal section 21.140, RSMo, and to enact in lieu thereof one new section relating to general assembly members salaries, with an emergency clause.

SB 500-By Loudon.

An Act to repeal section 135.327, RSMo, relating to adoption tax credits, and to enact in lieu thereof one new section relating to the same subject.

SJR 18-By Coleman, Days, Bland, Dougherty and Kennedy.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IX of the Constitution of Missouri relating to education.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 224**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 281**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 299** and **40**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 171, regarding John Hancock, which was adopted.

COMMUNICATIONS

Senator Loudon submitted the following:

February 12, 2003

Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

Secretary of the Senate:

Pursuant to Rule 45 of the Senate Rules, I respectfully request that SB 47 be taken off the consent calendar and sent back to committee as the bill is controversial in nature.

Respectfully submitted,

/s/ John Loudon

John W. Loudon

Senator Jacob submitted the following:

February 13, 2003

Senator Peter Kinder Senator Michael Gibbons Terry L. Spieler

Senate Pro Tem Majority Floor Leader & Secretary of the Senate

State Capitol, Room 326 Rules Committee Chair State Capitol, Room 325

Jefferson City, MO 65101 State Capitol, Room 221 Jefferson City, MO 65101

Jefferson City, MO 65101

Re: SCS/SB 75 (Consent Calendar, Reported 02/10/03)

Written Objection Pursuant to Senate Rule 45

Senators Kinder & Gibbons, Secretary Spieler:

I hereby file written objection to the "consent" status of SCS/SB 75 and direct that said bill be returned to the Senate Committee on Aging, Families, Mental and Public Health, pursuant to Senate Rule 45.

Thank you for your attention to this matter.

Sincerely,

/s/ Ken

Senator Ken Jacob

Senator Gibbons submitted the following:

February 13, 2003

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please remove Senate Bill 52 from the Senate Consent Calendar pursuant to Rule 45.

Thank you.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem Kinder submitted the following:

February 12, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointments to Commission on the Future of Higher Education

Dear Terry:

I am appointing the following Senators to the Missouri Commission on the Future of Higher Education:

Senator Gary Nodler

Senator Charlie Shields

Senator Rita Days

Senator Ken Jacob

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Also,

February 13, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointments to Joint Committee on Court Automation

Dear Terry:

Pursuant to Section 476.055, RSMo 2002, I am appointing the following Senators to the Joint Committee on Court Automation:

Senator John T. Russell

Senator Matt Bartle

Senator Rita Days

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter D. Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Frank Reiger, III, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, February 17, 2003.

SENATE CALENDAR

TWENTY-SECOND DAY-MONDAY, FEBRUARY 17, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al

SB 398-Griesheimer, et al

SB 400-Bray, et al

SB 413-Steelman, et al

SB 440-Steelman

SB 441-Dougherty

SB 444-Shields and Steelman

SB 463-Gross

SB 473-Stoll

SB 475-Jacob

SB 482-Kennedy

SB 483-Gross

SB 484-Shields

SB 485-Shields

SB 486-Dolan

SB 487-Dolan

SB 488-Dolan

SB 489-Dolan

SB 490-Dolan

SB 491-Scott

SB 492-Scott

SB 493-Kennedy

SB 494-Klindt

SB 495-Yeckel

SB 496-Yeckel

SB 497-Yeckel, et al

SB 498-Yeckel

SB 499-Bartle

SB 500-Loudon

SJR 18-Coleman, et al

HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al

HCS for HBs 122 & 80

HB 74-St. Onge

HB 401-Pratt

THIRD READING OF SENATE BILLS

SCS for SBs 299 & 40-

Champion, et al

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott,

with SCS

SB 13-Kinder

SB 18-Yeckel and Cauthorn,

with SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 36-Klindt and Cauthorn,

with SCS

SB 51-Shields

SB 55-Nodler, with SCS

SB 112-Loudon, with SCS

SB 217-Champion and

Clemens

SB 246-Steelman, et al, with

SCS & SA 1 (pending)

SB 265-Shields and Scott,
with SCS

SB 436-Klindt, with SCS,
SS for SCS, SA 2 &
point of order (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 143-Goode

SB 14-DePasco

SB 62-Caskey

SB 68-Childers

SB 101-Caskey

SB 121-Caskey

SB 130-Gross, with SCS

SB 173-Quick

SB 228-Griesheimer

SB 232-Cauthorn

SB 235-Quick

SB 275-Russell

SB 282-Shields

SBs 194 & 189-Scott, with SCS

SB 215-Foster, with SCS

SB 255-Kinder, with SCA 1

SB 266-Shields and Kennedy

SB 63-Caskey

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY--MONDAY, FEBRUARY 17, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"There can be no divided allegiances here. We have room for but one flag...one loyalty and that is to the American people." (Theodore Roosevelt)

Heavenly Father, provide us Your grace to have the courage to fully trust You who made us no matter which path You should lead us in our journey and allow us to focus our efforts on our work being faithful to You first and then to our fellow citizens. And we give thanks for those who plow and salt our streets and highways so we may travel safely on our nation's highways. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 13, 2003, was read and approved.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 172, regarding Charles Allen Thompson, St. Louis, which was adopted.

Senators Shields and Klindt offered Senate Resolution No. 173, regarding Bryant J. Kagay, Amity, which was adopted.

Senator Yeckel offered Senate Resolution No. 174, regarding Joseph Sartorius, St. Louis, which was adopted.

Senator Bland offered Senate Resolution No. 175, regarding the Second Missionary Baptist Church, Grandview, which was adopted.

Senator Kennedy offered Senate Resolution No. 176, regarding Margot and Thomas Crowell, Arcadia, which was adopted.

Senator Kennedy offered Senate Resolution No. 177, regarding Julie Wynn, Webster Groves, which was adopted.

Senator Caskey offered Senate Resolution No. 178, regarding the Howard Avenue School Preservation Association, Warrensburg, which was adopted.

Senator Cauthorn offered Senate Resolution No. 179, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gilbert W. Hudson, Palmyra, which was adopted.

Senator Steelman offered Senate Resolution No. 180, regarding the One Hundred Second Birthday of Goldie Foster, Owensville, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and 1,000 copies ordered printed:

SB 501-By Gross.

An Act to repeal section 144.062, RSMo, and to enact in lieu thereof one new section relating to sales tax exemptions.

SB 502-By Vogel.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales taxes for financing an exhibition center and recreational facilities, with an emergency clause.

SB 503-By Jacob.

An Act to repeal sections 169.010 and 169.030, RSMo, and to enact in lieu thereof four new sections relating to public school retirement systems.

SB 504-By Clemens and Champion.

An Act to repeal section 135.207, RSMo, and to enact in lieu thereof one new section relating to satellite enterprise zones.

SB 505-By Clemens.

An Act to repeal section 262.810, RSMo, and to enact in lieu thereof one new section relating to limiting the taking of farmland by eminent domain.

SB 506-By Clemens.

An Act to repeal section 332.071, RSMo, and to enact in lieu thereof one new section relating to the use of lasers for dentistry.

SB 507-By Bray.

An Act to repeal sections 160.500, 160.510, 160.530, 160.531, 160.538, 160.540, 160.542, 160.550, 160.720, 162.081, 162.1010, and 163.023, RSMo, and to enact in lieu thereof ten new sections relating to the termination of the academically deficient schools program.

SB 508-By Bray.

An Act to repeal sections 100.010, 100.050, 100.105, 100.180, and 137.073, RSMo, and to enact in lieu thereof six new sections relating to industrial development.

SB 509-By Bray.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to labeling of bottled water.

SB 510-By Kinder.

An Act to repeal section 208.480, RSMo, and to enact in lieu thereof one new section relating to the expiration date of the hospital federal reimbursement allowance program.

SB 511-By Kinder, Goode, Loudon and Steelman.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on the life sciences.

SJR 19-By Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 39 and 59(a) of article III of the Constitution of Missouri relating to limitation of power of the general assembly, and adopting two new sections in lieu thereof relating to the same subject.

SJR 20-By Bray.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 29, 30(a), 30(b), 30(c), and 31 of article IV of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to the powers and duties of the state highway and transportation commission.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 122**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 292**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 108**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 50**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 117**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 289**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 314**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 239**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 301**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 357**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 370**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 379**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 383**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 303**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 56**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

THIRD READING OF SENATE BILLS

SB 143, introduced by Senator Goode, entitled:

An Act to repeal section 21.250, RSMo, relating to powers of the general assembly, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 143** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Russell--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Wheeler moved that motion lay on the table, which motion prevailed.

SB 14, introduced by Senator DePasco, entitled:

An Act to repeal section 84.510, RSMo, relating to certain police officers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wheeler.

On motion of Senator Wheeler, **SB 14** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Goode	Kinder--3	
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 68, introduced by Senator Childers, entitled:

An Act to repeal section 321.552, RSMo, relating to sales tax for ambulance and fire protection districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 68** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 101, introduced by Senator Caskey, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to violations of county ordinances.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 101** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SB 121, introduced by Senator Caskey, entitled:

An Act to repeal section 64.905, RSMo, relating to county planning and zoning, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 121** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 401--Pensions and General Laws.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 246**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Gibbons offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 246, Pages 1 and 2, Section 386.050, Lines 14-19, by striking all of said lines and inserting in lieu thereof the following:

"2. On or after January 1, 2003, no member of the commission or technical advisory staff shall establish or maintain a committee that is regulated by the campaign finance disclosure law in chapter 130, RSMo, except those members who were members and had established such a campaign committee prior to January 1, 2003. No member of the commission who established and maintained such a campaign committee prior to January 1, 2003, shall allow contributions or deposits to be made into such campaign committee nor expenditures to be made by or on behalf of such campaign committee during the time period that such person is a member of the commission. Nothing in this subsection shall be construed to limit or prohibit the activities of members of the commission, or the activities of such regulated campaign committees, which activities occurred prior to January 1, 2003. Any member able to maintain a committee pursuant to the provisions of this section, due to campaign committee's existence prior to January 1, 2003, shall be required to disclose the existence of the committee prior to the initial hearing on all matters before the commission and to all litigants in writing in any matter coming before the commission."

Senator Gibbons moved that the above substitute amendment be adopted.

Senator Jacob offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 246, Page 1, Section 386.050, Line 4, by striking the words "January 1, 2003," and insert in lieu thereof the following: **"the effective date of this act"**; and further amend lines 10-11, by striking the words "January 1, 2003," and insert in lieu thereof the following: **"the effective date of this act"**.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Gibbons moved that the above substitute amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Gross offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 246, Page 6, Section 386.210, Line 73, by inserting after all of said line the following:

"392.200. 1. Every telecommunications company shall furnish and provide with respect to its business such instrumentalities and facilities as shall be adequate and in all respects just and reasonable. All charges made and demanded by any telecommunications company for any service rendered or to be rendered in connection therewith shall be just and reasonable and not more than allowed by law or by order or decision of the commission. Every unjust

or unreasonable charge made or demanded for any such service or in connection therewith or in excess of that allowed by law or by order or decision of the commission is prohibited and declared to be unlawful.

2. No telecommunications company shall directly or indirectly or by any special rate, rebate, drawback or other device or method charge, demand, collect or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered with respect to telecommunications or in connection therewith, except as authorized in this chapter, than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service with respect to telecommunications under the same or substantially the same circumstances and conditions. Promotional programs for telecommunications services may be offered by telecommunications companies for periods of time so long as the offer is otherwise consistent with the provisions of this chapter and approved by the commission. Neither this subsection nor subsection 3 of this section shall be construed to prohibit an economy rate telephone service offering. This section and section 392.220 to the contrary notwithstanding, the commission is authorized to approve tariffs filed by local exchange telecommunications companies which elect to provide reduced charges for residential telecommunications connection services pursuant to the lifeline connection assistance plan as promulgated by the federal communications commission. Eligible subscribers for such connection services shall be those as defined by participating local exchange telecommunications company tariffs.

3. No telecommunications company shall make or give any undue or unreasonable preference or advantage to any person, corporation or locality, or subject any particular person, corporation or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever except that telecommunications messages may be classified into such classes as are just and reasonable, and different rates may be charged for the different classes of messages.

4. (1) No telecommunications company may define a telecommunications service as a different telecommunications service based on the geographic area or other market segmentation within which such telecommunications service is offered or provided, unless the telecommunications company makes application and files a tariff or tariffs which propose relief from this subsection. Any such tariff shall be subject to the provisions of sections 392.220 and 392.230 and in any hearing thereon the burden shall be on the telecommunications company to show, by clear and convincing evidence, that the definition of such service based on the geographic area or other market within which such service is offered is reasonably necessary to promote the public interest and the purposes and policies of this chapter.

(2) It is the intent of this act to bring the benefits of competition to all customers and to ensure that incumbent and alternative local exchange telecommunications companies have the opportunity to price and market telecommunications services to all prospective customers in any geographic area in which they compete. To promote the goals of the federal Telecommunications Act of 1996, for an incumbent local exchange telecommunications company in any exchange where an alternative local exchange telecommunications company has been certified and is providing basic local telecommunications services or switched exchange access services, or for an alternative local exchange telecommunications company, the commission shall review and approve or reject, within forty-five days of filing, tariffs for proposed different services as follows:

(a) For services proposed on an exchange-wide basis, it shall be presumed that a tariff which defines and establishes prices for a local exchange telecommunications service or exchange access service as a different telecommunications service in the geographic area, no smaller than an exchange, within which such local exchange telecommunications service or exchange access service is offered is reasonably necessary to promote the public interest and the purposes and policies of this chapter;

(b) For services proposed in a geographic area smaller than an exchange or other market segmentation within which or to whom such telecommunications service is proposed to be offered, a local exchange telecommunications company may petition the commission to define and establish a local exchange telecommunications service or exchange access service as a different local exchange telecommunications service or exchange access service. The commission shall approve such a proposal if it finds, based upon clear and convincing evidence, that such service in a smaller geographic area or such other market segmentation is in the public interest and is reasonably necessary to promote competition and the purposes of this chapter. Upon approval of such a smaller geographic area or such other market segmentation for a different service for one local exchange telecommunications company, all other local exchange telecommunications companies certified to provide service in that exchange may file a tariff to use such smaller

geographic area or such other market segmentation to provide that service;

(c) For proposed different services described in paragraphs (a) and (b) of this subdivision, the local exchange telecommunications company which files a tariff to provide such service shall provide the service to all similarly situated customers, upon request in accordance with that company's approved tariff, in the exchange or geographic area smaller than an exchange or such other market segmentation for which the tariff was filed, and no price proposed for such service by an incumbent local exchange telecommunications company, other than for a competitive service, shall be lower than its long run incremental cost, as defined in section 386.020, RSMo;

(3) The commission, on its own motion or upon motion of the public counsel, may by order, after notice and hearing, define a telecommunications service offered or provided by a telecommunications company as a different telecommunications service dependent upon the geographic area or other market within which such telecommunications service is offered or provided and apply different service classifications to such service only upon a finding, based on clear and convincing evidence, that such different treatment is reasonably necessary to promote the public interest and the purposes and policies of this chapter.

5. No telecommunications company may charge a different price per minute or other unit of measure for the same, substitutable, or equivalent interexchange telecommunications service provided over the same or equivalent distance between two points without filing a tariff for the offer or provision of such service pursuant to sections 392.220 and 392.230. In any proceeding under sections 392.220 and 392.230 wherein a telecommunications company seeks to charge a different price per minute or other unit of measure for the same, substitutable, or equivalent interexchange service, the burden shall be on the subject telecommunications company to show that such charges are in the public interest and consistent with the provisions and purposes of this chapter. The commission may modify or prohibit such charges if the subject telecommunications company fails to show that such charges are in the public interest and consistent with the provisions and purposes of this chapter. This subsection shall not apply to reasonable price discounts based on the volume of service provided, so long as such discounts are nondiscriminatory and offered under the same rates, terms, and conditions throughout a telecommunications company's certificated or service area.

6. Every telecommunications company operating in this state shall receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telecommunications company with whose facilities a connection may have been made.

7. The commission shall have power to provide the limits within which tele-communications messages shall be delivered without extra charge.

8. Customer specific pricing is authorized for dedicated, nonswitched, private line and special access services and for central office-based switching systems which substitute for customer premise, private branch exchange (PBX) services, provided such customer specific pricing shall be equally available to incumbent and alternative local exchange telecommunications companies.

9. This act shall not be construed to prohibit the commission, upon determining that it is in the public interest, from altering local exchange boundaries, provided that the incumbent local exchange telecommunications company or companies serving each exchange for which the boundaries are altered provide notice to the commission that the companies approve the alteration of exchange boundaries.

10. Notwithstanding any other provision of this section, every telecommunications company is authorized to offer term agreements of up to five years on any of its telecommunications services.

11. Notwithstanding any other provisions of this section, every telecommunications company is authorized to offer discounted rates or other special promotions on any of its telecommunications services to any new or former customers."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope of the original bill.

The point of order was referred to the President Pro Tem.

Senator Childers assumed the Chair.

President Pro Tem Kinder ruled the point of order on **SA 2** not well taken.

Senator Bartle assumed the Chair.

SA 2 was again taken up.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 246, Page 6, Section 386.210, Line 73, by inserting after all of said line the following:

"393.015. 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation, municipality, or public water supply district established under chapter 247, RSMo, to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until [thirty] **ninety** days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation, municipality or public water supply district is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation, municipality or public water supply district shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer.

2. Notwithstanding any provision of subsection 1 of this section to the contrary, water service to a residence located within any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand six hundred but less than twenty-four thousand seven hundred inhabitants, or any county of the third classification without a township form of government and with more than ten thousand two hundred but less than ten thousand three hundred inhabitants shall not be disconnected, terminated, or discontinued for nonpayment of the water bill unless the noncurrent outstanding amount of the bill exceeds one hundred dollars. The provisions of this subsection shall not apply to any home rule city with more than eighty-four thousand five hundred but less than eighty-four thousand six hundred inhabitants.

3. Notwithstanding any provision of subsection 1 of this section to the contrary, water service to a residence located within any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand six hundred but less than twenty-four thousand seven hundred inhabitants, or any county of the third classification without a township form of government and with more than ten thousand two hundred but less than ten thousand three hundred inhabitants shall not be disconnected, terminated, or discontinued for nonpayment of the water bill

without the service provider first providing the residential customer with advance written notice of the proposed action. The notice shall be sent to the residential customer by certified mail and it shall be clearly written and shall include at least the following information: the proposed action, the proposed date of the proposed action, the cost of reconnection in the event of disconnection or termination of service, the reason for the proposed action, the exact amount of the arrearage, the address to which the customer should send payment, all actions which the residential customer must take to prevent the proposed action from occurring, and the telephone number or numbers the residential customer may call regarding the proposed action. The provisions of this subsection shall not apply to any home rule city with more than eighty-four thousand five hundred but less than eighty-four thousand six hundred inhabitants.

[3.] 4. A water corporation, municipality, or public water supply district acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered SA 1 to SA 3, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 246, Page 2, Section 393.015, Lines 18-19, by striking the words "**one hundred**" and inserting in lieu thereof the following: "**fifty**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 246, Page 6, Section 386.210, Line 73, by inserting after all of said line the following:

"386.374. Notwithstanding any other provision of this chapter to the contrary, the commission may consider ability to pay as a factor in setting utility rates and may establish programs for low-income residential utility customers to ensure affordable, reliable, and continuous service to such customers. In ordering such programs, the commission may require public utilities to provide information on the coordination of the program with other available low-income bill payment and energy conservation resources and the effects of the program on:

- (1) The percentage of income that participating households devote to energy bills;**
- (2) The number of service disconnections;**
- (3) Utility collection costs; and**

(4) Customer payment behavior, arrearages and bad debt."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Dougherty, Jacob, Stoll and Wheeler.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Foster	Goode
Jacob	Kennedy	Mathewson	Quick
Stoll	Wheeler--14		
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

Senator Griesheimer offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 246, Page 6, Section 386.210, Line 73, by inserting after all of said line the following:

"Section 1. The public service commission shall reopen case IT 2002-1165 regarding local plus calling plans in which an order was issued July 9, 2002."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

Senator Steelman raised the point of order that **SA 5** is out of order as it goes beyond the scope and purpose of the title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Dougherty offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 246, Page 6, Section 386.210, Line 73, by inserting after all of said line the following:

"386.374. Notwithstanding any other provision of this chapter to the contrary, the commission may establish a pilot program to consider ability to pay as a factor in setting utility rates and may establish programs for low-

income residential utility customers to ensure affordable, reliable, and continuous service to such customers. In ordering such programs, the commission may require public utilities to provide information on the coordination of the program with other available low-income bill payment and energy conservation resources and the effects of the program on:

- (1) The percentage of income that participating households devote to energy bills;
- (2) The number of service disconnections;
- (3) Utility collection costs; and
- (4) Customer payment behavior, arrearages and bad debt."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Caskey, Kennedy and Russell.

SA 6 was adopted by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dolan	Dougherty	Foster
Goode	Gross	Jacob	Kennedy
Mathewson	Quick	Russell	Steelman
Stoll	Wheeler--18		
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Gibbons	Griesheimer	Kinder
Klindt	Loudon	Nodler	Scott
Shields	Vogel	Yeckel--15	
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

Senator Steelman moved that **SCS** for **SB 246**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 246**, as amended, was declared perfected and ordered printed.

Senator Nodler moved that **SB 55**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 55**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 55

An Act to repeal sections 174.020 and 174.241, RSMo, and to enact in lieu thereof two new sections relating to Missouri Southern State College.

Was taken up.

Senator Nodler moved that **SCS** for **SB 55** be adopted.

At the request of Senator Nodler, **SB 55**, with **SCS** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 512--By Russell.

An Act to repeal sections 8.370, 8.400, and 8.420, RSMo, and to enact in lieu thereof three new sections relating to issuance of revenue bonds by the state board of public buildings, with an emergency clause.

SB 513--By Kennedy and Coleman.

An Act to repeal section 84.140, RSMo, and to enact in lieu thereof one new section relating to paid vacation of St. Louis City police for members.

SB 514--By Kennedy and Griesheimer.

An Act to amend chapter 337, RSMo, by adding thereto eleven new sections relating to the regulation and licensing of professional addiction counselors, with penalty provisions.

SB 515--By Bland.

An Act to repeal sections 335.016, 335.017, 335.056, 335.076, and 335.086, RSMo, and to enact in lieu thereof seven new sections relating to licensing of nurses.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 400--Transportation.

SB 475--Ways and Means.

SB 482--Economic Development, Tourism and Local Government.

SB 483--Pensions and General Laws.

SB 484--Transportation.

SB 485--Pensions and General Laws.

SB 486--Small Business, Insurance and Industrial Relations.

SB 487--Judiciary and Civil and Criminal Jurisprudence.

SB 488--Judiciary and Civil and Criminal Jurisprudence.

SB 489--Judiciary and Civil and Criminal Jurisprudence.

SB 490--Transportation.

SB 491--Transportation.

SB 492--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 494--Agriculture, Conservation, Parks and Natural Resources.

SB 495--Transportation.

SB 496--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 498--Judiciary and Civil and Criminal Jurisprudence.

SB 499--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 500--Ways and Means.

SJR 18--Education.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 14, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marion H. Cairns, Republican, 1115 Webster Oaks Lane, Webster Groves, St. Louis County, Missouri 63119, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, John Mathes, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 14, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jacquelyn B. Garrett, Democrat, 1101 Courtwood Circle, Ballwin, St. Louis County, Missouri 63011, as a member of the State Board of Registration for the Healing Arts, for a term ending August 13, 2004, and until her successor is duly appointed and qualified; vice, Ronald Phillips, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 14, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joy S. Gronstedt, 30580 Summers Drive, Sedalia, Pettis County, Missouri 65301, as a member of the Drug Utilization Review Board, for a term ending October 15, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 14, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Janet G. Leachman, Democrat, 27 Pine View Road, Platte City, Platte County, Missouri 64079, as a member of the Missouri Western State College Board of Regents, for a term ending October 29, 2008, and until her successor is duly appointed and qualified; vice, Krikor Partamian, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 14, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Beth Ann Mayberry, Republican, 18416 Ada Court, Trimble, Clay County, Missouri 64492, as a member of the Missouri Community Service Commission, for a term ending December 15, 2005, and until her successor is duly appointed and qualified; vice, Jocelyn Osborne, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 14, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patricia A. Nichols, #1 Wilshire Terrace, Webster Groves, St. Louis County, Missouri 63119, as a member of the Well Installation Review Board, for a term ending February 24, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 14, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cynthia A. Rushefsky, 1316 East Grand Street, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 14, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeffrey W. Siria, 103 Old Oaks Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Joe Ann Alexander, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 181, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Russell T. Martin, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 182, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William W. Page, Palmyra, which was adopted.

COMMUNICATIONS

The following was submitted:

February 17, 2003

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

In my absence, I respectfully request either Senator Wheeler or Senator Quick handle Senate Bill 14 on the Senate Floor. This bill revises the maximum allowable salary for certain Kansas City police officers.

Thank you for your attention to this matter.

Sincerely,

/s/ Ronnie DePasco

Ronnie DePasco

STATE SENATOR

District 11

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Patrice, Jordan, Joshua, and Hannah Mugg, Lucas Ravenscraft, Mary Compton, James Folick, and Courtney Krus, representing Young Republicans from St. Louis.

Senator Cauthorn introduced to the Senate, his son, Andrew, and Cody Walker, Mexico.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-THIRD DAY-TUESDAY, FEBRUARY 18, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al
SB 398-Griesheimer, et al
SB 413-Steelman, et al
SB 440-Steelman
SB 441-Dougherty
SB 444-Shields and Steelman
SB 463-Gross
SB 473-Stoll
SB 493-Kennedy
SB 497-Yeckel, et al
SB 501-Gross
SB 502-Vogel
SB 503-Jacob
SB 504-Clemens and Champion

SB 505-Clemens

SB 506-Clemens

SB 507-Bray

SB 508-Bray

SB 509-Bray

SB 510-Kinder

SB 511-Kinder, et al

SB 512-Russell

SB 513-Kennedy and Coleman

SB 514-Kennedy and Griesheimer

SB 515-Bland

SJR 19-Clemens

SJR 20-Bray

HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al

HCS for HBs 122 & 80

HB 74-St. Onge

THIRD READING OF SENATE BILLS

SCS for SBs 299 & 40-

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott,
with SCS

SB 13-Kinder

SB 18-Yeckel and Cauthorn,
with SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 36-Klindt and Cauthorn,
with SCS

SB 51-Shields

SB 55-Nodler, with SCS (pending)

SB 112-Loudon, with SCS

SB 217-Champion and
Clemens

SB 265-Shields and Scott,
with SCS

SB 436-Klindt, with SCS,
SS for SCS, SA 2 & point
of order (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 130-Gross, with SCS

SB 173-Quick

SB 228-Griesheimer

SB 232-Cauthorn

SB 235-Quick

SB 275-Russell

SB 282-Shields

SBs 194 & 189-Scott, with SCS

SB 215-Foster, with SCS

SB 255-Kinder, with SCA 1

SB 266-Shields and Kennedy

SB 63-Caskey

Reported 2/17

SB 122-Caskey, with SCS

SB 292-Yeckel

SB 108-Gross

SB 29-Gross, with SCS

SB 50-Coleman

SB 1-Russell, with SCS

SB 4-Caskey and Russell,
with SCS

SB 117-Shields, with SCS

SB 216-Foster

SB 289-Dolan, et al

SB 314-Dolan

SB 7-Mathewson, with SCS

SB 239-Mathewson and Scott,
with SCS

SB 301-Bray

SB 357-Shields

SB 370-Foster

SB 379-Champion, with SCS

SB 383-Dolan

SB 303-Gibbons, with SCS

SB 56-Nodler, with SCS

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY--TUESDAY, FEBRUARY 18, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"If the foundations are destroyed, what can the righteous do?" (Psalm 11:3)

Lord God, we recognize that when things are falling apart it is only to You we can turn. So we pray calm the storms that rage about us and calm our hearts and souls trusting fully in You so we can know the joy that comes from following Your lead and accomplishing our work here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Schuyler County Times were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel--33

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 183, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. L.D. Daniels, Warrensburg, which was adopted.

Senator Bartle offered Senate Resolution No. 184, regarding Deb Gordon, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

Senator Kennedy requested unanimous consent of the Senate to withdraw **SB 514**, which request was granted.

SB 516-By Kennedy and Coleman.

An Act to repeal section 86.251, RSMo, and to enact in lieu thereof one new section relating to pension and relief systems for police officers.

SB 517-By Jacob.

An Act to repeal section 302.304, RSMo, and to enact in lieu thereof two new sections relating to driver license revocations, with penalty provisions.

SB 518-By Steelman.

An Act to repeal sections 287.610, 621.015, and 622.020, RSMo, and to enact in lieu thereof three new sections relating to administrative hearings.

SB 519-By Foster.

An Act to repeal section 162.431, RSMo, and to enact in lieu thereof one new section relating to school district boundary changes.

REFERRALS

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on Pages 188 to 192 of the Senate Journal for Thursday, February 6, 2003, to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 55**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 55** was again taken up.

Senator Jacob offered **SS** for **SCS** for **SB 55**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 55

An Act to add two new sections, Section 1 and Section 2, relating to state institutions of higher education.

Senator Jacob moved that **SS** for **SCS** for **SB 55**, be adopted.

At the request of Senator Jacob, **SS** for **SCS** for **SB 55** was withdrawn.

SCS for **SB 55** was again taken up.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 55, Section 174.241, Page 2, Lines 13-15, by deleting all of said lines and inserting in lieu thereof the following:

"located. At least three persons appointed to the board of regents of Missouri Southern State University-Joplin shall be residents of the district in which the university is located. At least two of the persons appointed to the board of regents of Missouri Southern State University-Joplin shall be residents of congressional districts wholly outside the district in which the university is located, with not more than one such member being appointed from the same congressional district."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 55, Page 1, Section A, Line 3, by inserting after all of said line the following:

"173.005. 1. There is hereby created a "Department of Higher Education", and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by the Reorganization Act of 1974, Appendix B, RSMo.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the "Coordinating Board for Higher Education", which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator with a public or private institution of higher education at the time appointed or during his term. The other qualifications, terms and compensation of the coordinating board shall be the same as provided by law for the curators of the University of Missouri. The coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and research personnel as may be necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the source of funding. In addition to all other powers, duties and functions transferred to it, the coordinating board for higher education shall have the following duties and responsibilities:

(1) The coordinating board for higher education shall have approval of proposed new degree programs to be offered by the state institutions of higher education;

(2) The coordinating board for higher education may promote and encourage the development of cooperative agreements between Missouri public four-year institutions of higher education which do not offer graduate degrees and Missouri public four-year institutions of higher education which do offer graduate degrees for the purpose of offering graduate degree programs on campuses of those public four-year institutions of higher education which do not otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of the parties, including assignment of administrative responsibility. Any diploma awarded for graduate degrees under such a cooperative agreement shall include the names of both institutions inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no further approval from the coordinating board for higher education. Any costs incurred with respect to the provisions of this subdivision may be paid from state funds allocated to the institution assigned the administrative authority for the program. The provisions of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this subsection;

[(2)] (3) In consultation with the heads of the institutions of higher education affected and against a background of carefully collected data on enrollment, physical facilities, manpower needs, institutional missions, the coordinating board for higher education shall establish guidelines for appropriation requests by those institutions of higher education; however, other provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated by the general assembly to the governing board of each public four-year institution of higher education which shall prepare expenditure budgets for the institution;

[(3)] (4) No new state-supported senior colleges or residence centers shall be established except as provided by law and with approval of the coordinating board for higher education;

[(4)] (5) The coordinating board for higher education shall establish admission guidelines consistent with institutional missions;

[(5)] (6) The coordinating board shall establish policies and procedures for institutional decisions relating to the residence status of students;

[(6)] (7) The coordinating board shall establish guidelines to promote and facilitate the transfer of students between institutions of higher education within the state;

[(7)] (8) The coordinating board shall collect the necessary information and develop comparable data for all institutions of higher education in the state. The coordinating board shall use this information to delineate the areas of competence of each of these institutions and for any other purposes deemed appropriate by the coordinating board;

[(8)] (9) Compliance with requests from the coordinating board for institutional information and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall be a prerequisite to the receipt of any funds for which the coordinating board is responsible for administering; and

[(9)] (10) If any institution of higher education in this state, public or private, willfully fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by the coordinating board, or knowingly deviates from any such guideline, or knowingly acts without coordinating board approval where such approval is required, or willfully fails to comply with any other lawful order of the coordinating board, the coordinating board may, after a public hearing, withhold or direct to be withheld from that institution any funds the disbursement of which is subject to the control of the coordinating board, or may remove the approval of the institution as an "approved institution" within the meaning of section 173.205, but nothing in this section shall prevent any institution of higher education in this state from presenting additional budget requests or from explaining or further clarifying its budget requests to the governor or the general assembly.

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of thirty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state-supported four-year college or university, including Harris-Stowe State College, Missouri Southern State College, Missouri Western State College, and Lincoln University; the president of Linn State Technical College; the president or chancellor of each public community college district; and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported junior college, one privately supported four-year college, and one privately supported university. The conferences shall enable the committee to advise the coordinating board of the views of the institutions on matters within the purview of the coordinating board.

4. The University of Missouri, Lincoln University, and all other state-governed colleges and universities, chapters 172, 174 and 175, RSMo, and others, are transferred by type III transfers to the department of higher education subject to the provisions of subsection 2 of this section.

5. The state historical society, chapter 183, RSMo, is transferred by type III transfer to the University of Missouri.

6. The state anatomical board, chapter 194, RSMo, is transferred by type II transfer to the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to community college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with community college districts and matters pertaining to community colleges in public school districts, chapters 163 and 178, RSMo, and others, are transferred to the coordinating board for higher education by type I

transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a post-secondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. The administration of sections 163.171 and 163.181, RSMo, relating to teacher-training schools in cities, is transferred by type I transfer to the coordinating board for higher education.

9. All the powers, duties, functions, personnel and property of the state library and state library commission, chapter 181, RSMo, and others, are transferred by type I transfer to the coordinating board for higher education, and the state library commission is abolished. The coordinating board shall appoint a state librarian who shall administer the affairs of the state library under the supervision of the board.

10. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, RSMo, are transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval."; and

Further amend said bill, Page 2, Section 174.020, Line 24, by inserting after all of said line the following:

"174.231. The Missouri Southern State [College] **University-Joplin** located in Joplin, Jasper County, is hereby designated a moderately selective institution which shall provide associate and baccalaureate degree programs, **and graduate degree programs pursuant to subdivision (2) of subsection 2 of section 173.005, RSMo**, which meet the needs of the citizens, businesses, and industries of its service area as defined in section 174.010, as well as counties contiguous to Jasper County. The institution shall develop such academic support programs and public service activities it deems necessary and appropriate to establish international or global education as a distinctive theme of its mission. Consistent with the provisions of section 174.324, Missouri Southern State [College] **University-Joplin** is authorized to offer master's level degree programs in accountancy, subject to the approval of the coordinating board for higher education as provided in subdivision (1) of subsection 2 of section 173.005, RSMo."; and

Further amend said bill, Page 2, Section 174.241, Line 21, by inserting after all of said line the following:

"174.251. The Missouri Western State College located in St. Joseph, Buchanan County, is hereby designated an open enrollment institution which shall provide associate and baccalaureate degree programs, **and graduate degree programs pursuant to subdivision (2) of subsection 2 of section 173.005, RSMo**, which meet the needs of the citizens, businesses, and industries of its service area as defined in section 174.010, as well as counties contiguous to Buchanan County. The institution shall develop such academic support programs as it deems necessary and appropriate to an open enrollment institution to improve the potential for success of its students. Consistent with the provisions of section 174.324, Missouri Western State College is authorized to offer master's level degree programs in accountancy, subject to the approval of the coordinating board for higher education as provided in subdivision (1) of subsection 2 of section 173.005, RSMo.

174.310. 1. There shall be a period of orderly transition which shall begin with the appointment of the board of regents, during which the St. Louis board of education shall convey by gift, the buildings, facilities, equipment, and adjoining eight acres, more or less, of realty located at 3026 Laclede Avenue, St. Louis, Missouri, which currently serves as the campus of Harris-Stowe State College, to the board of regents, and during which time the St. Louis board of education, at its own expense, shall continue to provide necessary supporting services to Harris-Stowe State College. The transition period shall terminate no later than July 1, 1979, at which time the regents shall be responsible for every aspect of the college's operation.

2. Notwithstanding any other provisions of this chapter to the contrary, the board of regents of Harris-Stowe State College is authorized to offer undergraduate degree programs with an emphasis on selected applied professional disciplines, **and graduate degree programs pursuant to subdivision (2) of subsection 2 of section 173.005, RSMo**,

that will meet the needs of the St. Louis metropolitan area. Such **undergraduate degree** programs shall be subject to approval by the coordinating board for higher education as provided for in subdivision (1) of subsection 2 of section 173.005, RSMo.

3. The state shall, effective July 1, 1978, provide the necessary funds to fully staff and operate Harris-Stowe State College and to make appropriate capital improvements."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 55, Page 2, Section 174.241, Line 21, by inserting after all of said lines the following:

"Section 1. When graduate degrees are offered at any public institution of higher education, and all faculty teaching the courses required for said degrees are employees of the degree granting institution, those degrees shall be inscribed with the name of the institution granting the degree."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Nodler, **SB 55**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 18, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Patricia A. Nichols for the Well Installation Board, submitted to you on February 14, 2003. Line 2 should be amended to read:

County, Missouri 63119, as a member of the Well Installation Board

Respectfully submitted,

BOB HOLDEN

Governor

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following

report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 246**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 520-By Klindt.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to A+ schools reimbursement.

SB 521-By Gross.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to bonds of officers and contractors for public works.

SB 522-By Gross.

An Act to repeal section 67.700, RSMo, and to enact in lieu thereof one new section relating to sales tax for capital improvements imposed in certain counties.

SB 523-By Kennedy and Griesheimer.

An Act to repeal sections 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.540, 337.700, 337.703, 337.706, 337.709, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, and 337.739, RSMo, and to enact in lieu thereof twenty-two new sections relating to the licensure of mental health professionals, with penalty provisions and a contingent effective date.

SB 524-By Jacob.

An Act to repeal section 67.1850, RSMo, and to enact in lieu thereof one new section relating to the creation of a geographical information system in certain communities.

On motion of Senator Gibbons, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Clemens.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 401**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 17, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Children's Trust Fund Board

Dear Terry:

Pursuant to Section 210.170, RSMo 2002, I am appointing Senator Carl Vogel to the Children's Trust Fund Board.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Also,

February 18, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Administrative Rules

Dear Terry:

Pursuant to Section 536.037, RSMo 2002, I am appointing Senator Charles Wheeler to the Joint Committee on Administrative Rules.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter D. Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Wheeler introduced to the Senate, former State Senator Harry Wiggins; and parents, sponsors, and Boy Scout Pack 118 from St. Peter's School, Kansas City; and Patrick Simon, Nathan Ellerman, Peter Feverborn, Eric Sutherlin, Connor Schaible, Quinn Madden, Trevor Marshall, Sam Sharp, Ben Knight, Johnny Reardon, Drew Gregory, Ian Bilardo, and Brody Johnson were made honorary pages.

Senator Griesheimer introduced to the Senate, Wallis Warren, Lyon.

Senator Kennedy introduced to the Senate, Donna Claes, St. Louis.

Senator Kennedy introduced to the Senate, Marty Warner, Poplar Bluff.

Senator Cauthorn introduced to the Senate, Melody Whitacre, Glennwood.

Senator Cauthorn introduced to the Senate, Kathryn O. Henry, Sue Miller, and Gerry Rutherford, Pike County.

Senator Shields introduced to the Senate, Allene Wright, Sharon Kosek, Joyce Clibon, and Kerry Funck, St. Joseph.

Senator Cauthorn introduced to the Senate, representatives of the Truman Experience Undergraduate Research Capitol Poster Day, Kirksville.

Senator Vogel introduced to the Senate, fourth grade students from St. Peter's School, Jefferson City.

Senator Yeckel introduced to the Senate, Jane Hedgecarth, parents, and members of Girl Scout Troops 2023 and 2813, St. Louis.

On behalf of Senator Cauthorn and himself, Senator Scott introduced to the Senate, Rebecca McClanahan, Kirksville.

Senator Caskey introduced to the Senate, Patte Klaus Schreihofer and Beth Knott, Belton.

Senator Steelman introduced to the Senate, representatives of Missouri Nurses Association Lobby Day.

Senator Kennedy introduced to the Senate, Hattie McDowell, Bonne Terre.

Senator Scott introduced to the Senate, Tiffany Scott Bond and Mary Schuman, Moberly; and Kelly Erickson, St. Louis.

Senator Kinder introduced to the Senate, Jeff Brune, Cape Girardeau.

Senator Klindt introduced to the Senate, Mrs. Elaine Gerstenberger, and her son, Ethan, Cameron.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Andrew Evans, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY-WEDNESDAY, FEBRUARY 19, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al
SB 398-Griesheimer, et al
SB 413-Steelman, et al
SB 440-Steelman
SB 441-Dougherty
SB 444-Shields and Steelman
SB 463-Gross
SB 473-Stoll
SB 493-Kennedy
SB 497-Yeckel, et al
SB 501-Gross
SB 502-Vogel
SB 503-Jacob
SB 504-Clemens and Champion
SB 505-Clemens
SB 506-Clemens
SB 507-Bray
SB 508-Bray
SB 509-Bray
SB 510-Kinder
SB 511-Kinder, et al

SB 512-Russell

SB 513-Kennedy and Coleman

SB 515-Bland

SB 516-Kennedy and Coleman

SB 517-Jacob

SB 518-Steelman

SB 519-Foster

SB 520-Klindt

SB 521-Gross

SB 522-Gross

SB 523-Kennedy and Griesheimer

SB 524-Jacob

SJR 19-Clemens

SJR 20-Bray

HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al

HCS for HBs 122 & 80

HB 74-St. Onge

THIRD READING OF SENATE BILLS

SCS for SBs 299 & 40-

Champion, et al

SCS for SB 246-Steelmann, et al

HOUSE BILLS ON THIRD READING

HB 401-Pratt, with SCS (Klindt)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott, with SCS

SB 13-Kinder

SB 18-Yeckel and Cauthorn,
with SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 36-Klindt and Cauthorn,
with SCS

SB 51-Shields

SB 55-Nodler, with SCS &

SA 3 (pending)

SB 112-Loudon, with SCS

SB 217-Champion and

Clemens

SB 265-Shields and Scott,

with SCS

SB 436-Klindt, with SCS,

SS for SCS, SA 2 & point

of order (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 130-Gross and Dolan,

with SCS

SB 173-Quick

SB 228-Griesheimer

SB 232-Cauthorn

SB 235-Quick

SB 275-Russell

SB 282-Shields

SBs 194 & 189-Scott, with

SCS

SB 215-Foster, with SCS

SB 255-Kinder, with SCA 1

SB 266-Shields and Kennedy

SB 63-Caskey

Reported 2/17

SB 122-Caskey, with SCS

SB 292-Yeckel

SB 108-Gross

SB 29-Gross, with SCS

SB 50-Coleman

SB 1-Russell, with SCS

SB 4-Caskey and Russell,
with SCS

SB 117-Shields, with SCS

SB 216-Foster

SB 289-Dolan, et al

SB 314-Dolan

SB 7-Mathewson, with SCS

SB 239-Mathewson and

Scott, with SCS

SB 301-Bray

SB 357-Shields

SB 370-Foster

SB 379-Champion, with SCS

SB 383-Dolan

SB 303-Gibbons, with SCS

SB 56-Nodler, with SCS

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FOURTH DAY--WEDNESDAY, FEBRUARY 19, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"In whatever condition you were called, brothers and sisters there remain with God." (I Corinthians 7:24)

Gracious God, You have called us from many situations and places that differ from one another yet we pray that You will embrace each of us and may continue Your work through us that we might become all You have created us to be. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV, KRCG-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator DePasco--1			

The Senate observed a moment of silence and prayer in memory of Nan Wyatt.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 185, regarding Macy Aleshanee Machetta, Columbia, which was adopted.

Senator Caskey offered Senate Resolution No. 186, regarding the Ninetieth Birthday of Goldie Buerge, Garden City, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 525-By Dolan.

An Act to repeal sections 172.030, 172.035, 172.037, 172.040, 172.060, 174.050, 174.055, 174.070, 174.241, 174.300, 174.332, 174.450, 174.453, 174.610, 174.620, 174.621, 175.020, 175.021, 175.023, 175.030, 178.632, and 178.633, RSMo, and to enact in lieu thereof nineteen new sections relating to student representation on the governing boards of public higher education institutions.

SB 526-By Gross.

An Act to repeal section 137.275, RSMo, and to enact in lieu thereof one new section relating to attorneys' fees in property tax appeals.

SB 527-By Gross.

An Act to repeal section 150.150 as enacted by house bill no. 1566, eighty-seventh general assembly, second regular session and section 150.150 as enacted by house substitute for house committee substitute for senate bill no. 579, eighty-seventh general assembly, second regular session, and to enact in lieu thereof one new section relating to the collection of fees for merchants' licenses.

SB 528-By Gross.

An Act to repeal section 542.276, RSMo, and to enact in lieu thereof two new sections relating to criminal procedure, with penalty provisions.

SB 529-By Childers.

An Act to amend chapter 389, RSMo, by adding thereto one new section relating to the designation of official Missouri railroads.

SB 530-By Childers.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales tax exemptions for railway excursions that traverse state lines and operate on railroads which are part of the national transportation system.

SB 531-By Childers.

An Act to repeal sections 115.105, 115.123, 115.349, 115.351, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, and 115.801, RSMo, and to enact in lieu thereof four new sections relating to presidential primary elections.

SB 532-By Mathewson and Childers.

An Act to repeal sections 281.240 and 281.260, RSMo, and to enact in lieu thereof three new sections relating to pesticides, with an expiration date for a certain section.

SB 533-By Cauthorn.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to employee waiver of the workers' compensation law.

SB 534-By Cauthorn.

An Act to repeal section 198.006, RSMo, and to enact in lieu thereof one new section relating to supervision in nursing

homes.

SB 535-By Yeckel.

An Act to repeal sections 337.500 and 337.510, RSMo, and to enact in lieu thereof two new sections relating to the licensing of professional counselors.

SB 536-By Jacob.

An Act to repeal sections 34.040, 143.011, 143.071, 143.121, 143.181, 143.225, 143.261, 143.431, 143.451, 144.010, 144.030, 144.190, 306.016, and 351.484, RSMo, and to enact in lieu thereof nineteen new sections relating to taxation.

SB 537-By Jacob.

An Act to repeal section 56.640, RSMo, and to enact in lieu thereof two new sections relating to the duties of a county counselor.

SB 538-By Dolan.

An Act to amend chapter 570, RSMo, by adding thereto two new sections relating to identity crimes, with penalty provisions.

SB 539-By Bray.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 379.810, 379.815, 379.820, 379.825, 379.830, 379.840, 379.845, 379.850, 379.855, 379.860, 379.865, 379.870, 379.875, and 379.880, RSMo, and to enact in lieu thereof eighteen new sections relating to residential property insurance.

SB 540-By Gross.

An Act to repeal section 311.195, RSMo, and to enact in lieu thereof one new section relating to microbreweries.

SB 541-By Scott.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

SJR 21-By Cauthorn.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 43(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the conservation sales tax.

THIRD READING OF SENATE BILLS

SB 130, with **SCS**, introduced by Senators Gross and Dolan, entitled:

An Act to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri.

Was called from the Consent Calendar and taken up by Senator Dolan.

SCS for **SB 130**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 130

An Act to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri.

Was taken up.

Senator Dolan moved that **SCS** for **SB 130** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SB 130** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Clemens--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 173, introduced by Senator Quick, entitled:

An Act to repeal section 321.120, RSMo, relating to fire protection district directors, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 173** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Stoll--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

SB 228, introduced by Senator Griesheimer, entitled:

An Act to repeal section 67.1360, RSMo, relating to tourism taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 228** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senator Loudon--1			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Cauthorn moved that motion lay on the table, which motion prevailed.

SB 232, introduced by Senator Cauthorn, entitled:

An Act to authorize the conveyance of property at Thousand Hills State Park.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 232** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Scott	Shields	Steelman

Stoll	Vogel	Wheeler	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Bland	Foster	Goode	Mathewson
Russell--5			
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 235, introduced by Senator Quick, entitled:

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to local government indebtedness.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 235** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Foster	Jacob--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 401, introduced by Representative Pratt, et al, with SCS, entitled:

An Act to repeal sections 8.550 and 8.570, RSMo, and to enact in lieu thereof two new sections relating to the tobacco securitization settlement trust fund, with an emergency clause.

Was taken up by Senator Klindt.

SCS for **HB 401**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 401

An Act to repeal sections 8.550 and 8.570, RSMo, and to enact in lieu thereof two new sections relating to the tobacco securitization settlement trust fund, with an emergency clause.

Was taken up.

Senator Klindt moved that **SCS** for **HB 401** be adopted.

Senator Russell offered **SS** for **SCS** for **HB 401**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 401

An Act to repeal sections 8.370, 8.400, and 8.420, RSMo, and to enact in lieu thereof four new sections relating to the board of public buildings, with an emergency clause and a termination date for certain sections.

Senator Russell moved that **SS** for **SCS** for **HB 401** be adopted.

Senator Shields assumed the Chair.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 401, Page 4, Section 8.400, Line 4, by inserting immediately after the word "and" the words "to restore"; and further amend section 8.601, page 5, line 26, by inserting immediately after "8.601." the following: "The tobacco settlement financing authority and the board of public buildings shall have no further authority to issue bonds and notes pursuant to"; and

Further amend said page and section, lines 26 and 27, by striking the words "shall terminate".

Senator Klindt moved that the above amendment be adopted.

Senator Bartle assumed the Chair.

At the request of Senator Klindt, **HB 401**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Childers.

A quorum was established by the following vote:

Present--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Shields
Steelman	Vogel	Wheeler	Yeckel--28

Absent--Senators

Bland	Dolan	Klindt	Scott
Stoll--5			

Absent with leave--Senator DePasco--1

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 542-By Caskey.

An Act to repeal sections 287.615, 287.845, 476.320, and 476.675, RSMo, and to enact in lieu thereof five new sections relating to administrative law judges.

SB 543-By Dougherty and Foster.

An Act to repeal sections 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 210.900, 210.906, 210.909, 210.921, 210.922, 210.937, 302.272, 610.120, 610.123, 630.140, 630.167, 630.170, and 660.317, RSMo, and to enact in lieu thereof twenty-three new sections relating to background checks, with penalty provisions and an effective date for a certain section.

SB 544-By Gross, Gibbons, Klindt, Foster, Yeckel, Cauthorn, Kinder, Loudon, Steelman and Stoll.

An Act to amend chapter 23, RSMo, by adding thereto fifteen new sections relating to the Missouri sunset act.

SB 545-By Mathewson.

An Act to repeal sections 103.133 and 103.165, RSMo, and to enact in lieu thereof two new sections relating to Missouri consolidated health care plan.

THIRD READING OF SENATE BILLS

SB 282, introduced by Senator Shields, entitled:

An Act to repeal section 64.341, RSMo, and to enact in lieu thereof one new section relating to county facilities.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 282** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder

Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Klindt--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 194, introduced by Senator Scott, and **SB 189**, introduced by Senator Loudon, with **SCS**, entitled respectively:

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to unemployment reimbursement for Indian tribes in compliance with federal mandate.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security.

Were called from the Consent Calendar and taken up by Senator Scott.

SCS for **SBs 194** and **189**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 194 and 189

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to unemployment reimbursement for Indian tribes in compliance with federal mandate, with an emergency clause.

Was taken up.

Senator Scott moved that **SCS** for **SBs 194** and **189** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SBs 194** and **189** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Klindt	Mathewson--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Klindt	Quick	Stoll--4
Absent with leave--Senator DePasco--1			

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 215, with **SCS**, introduced by Senator Foster, entitled:

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to transfers from the incidental fund.

Was called from the Consent Calendar and taken up.

SCS for **SB 215**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 215

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to transfers from the incidental fund.

Was taken up.

Senator Foster moved that **SCS** for **SB 215** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **SB 215** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields

Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SB 255, with **SCA 1**, introduced by Senator Kinder, entitled:

An Act to repeal section 393.110, RSMo, and to enact in lieu thereof one new section relating to the public service commission's jurisdiction of consumer-owned electric corporations.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kinder, **SB 255**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Quick--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 266, introduced by Senators Shields and Kennedy, entitled:

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to services for persons with developmental disabilities.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **SB 266** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 63, introduced by Senator Caskey, entitled:

An Act to repeal section 211.477, RSMo, relating to parental rights, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 63** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 55**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senators Jacob and Nodler offered **SS No. 2** for **SCS** for **SB 55**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 55

An Act to repeal sections 173.005, 174.020, 174.231, 174.241, 174.324, and 174.450, RSMo, and to enact in lieu thereof six new sections relating to state institutions of higher education.

Senator Jacob moved that **SS No. 2** for **SCS** for **SB 55** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS No. 2** for **SCS** for **SB 55** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **HB 401**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Klindt, the above amendment was withdrawn.

SS for **SCS** for **HB 401** was again taken up.

At the request of Senator Russell, **SS** for **SCS** for **HB 401** was withdrawn.

Senator Russell offered **SS No. 2** for **SCS** for **HB 401**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 401

An Act to repeal sections 8.370, 8.400, and 8.420, RSMo, and to enact in lieu thereof thirteen new sections relating to the board of public buildings, with an emergency clause and a termination date for certain sections.

Senator Russell moved that **SS No. 2** for **SCS** for **HB 401** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 4, Section 8.400, Line 4, by inserting immediately after the word "and" the words "to restore"; and further amend section 8.601, page 5, line 26, by inserting immediately after "8.601." the following: "The tobacco settlement financing authority and the board of public buildings shall have no further authority to issue bonds and notes pursuant to"; and

Further amend said page and section, lines 26 and 27, by striking the words "shall terminate".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 5, Section 8.601, Line 27, by inserting after all of said line the following:

"Section 1. The provisions of sections 8.500 to 8.590 shall terminate upon the satisfaction of all outstanding notes and obligations issued pursuant to such sections. The commissioner of the office of administration shall notify the revisor of statutes when all outstanding notes and obligations have been satisfied."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 5, Section 8.420, Line 25, by inserting immediately after "8.450" the following: "or sections 8.625 to 8.649".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 1, In the Title, Lines 2-5, by striking all of said lines and inserting in lieu thereof the following: "To appropriate money and to repeal sections 8.370, 8.400, and 8.420, RSMo, and to enact fourteen new sections relating to authorizing additional funding of general revenue, with an emergency clause and a termination date for certain sections."; and

Further amend said bill, page 1, section A, line 1, by inserting before all of said line the following:

"In order to preserve funds obtained in the tobacco securitization settlement trust fund, there is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period ending June 30, 2003, as follows:

Section 1. There is transferred out of the State Treasury, chargeable to the Budget Reserve

Fund, Two Hundred Million Dollars to the General Revenue Fund pursuant to Article IV, Section 27(a), Subsection 5 of the Missouri Constitution for budget stabilization purposes

From Budget Reserve Fund \$200,000,000";

and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted.

Senator Steelman offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 1, Section 1, Line 23, by striking "200,000,000" after the word "Fund" and inserting in lieu thereof "150,000,000".

Senator Steelman moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 1** to **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 1, Line 23 of said amendment, by deleting the number "200,000,000" and inserting in lieu thereof the number "**50,000,000**".

Senator Shields moved that the above amendment be adopted.

At the request of Senator Shields, **SSA 1** for **SA 1** to **SA 4** was withdrawn.

SA 1 to **SA 4** was again taken up.

Senator Steelman moved that the above amendment be adopted, which motion failed.

SA 4 was again taken up.

Senator Quick moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dougherty, Gibbons, Kennedy and Mathewson.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Foster	Goode
Jacob	Kennedy	Mathewson	Quick
Stelman	Stoll	Wheeler--15	
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Vogel	Yeckel--18		
Absent--Senators--None			

Senator Mathewson offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 5, Section 8.420, Line 23, by striking the words "one hundred fifty" and inserting in lieu thereof the following: "**two hundred sixty-three**".

Senator Mathewson moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Cauthorn, Jacob and Stoll.

SA 5 failed of adoption by the following vote:

YEAS--Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Foster	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			

NAYS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20

Absent--Senators--None

Absent with leave--Senator DePasco-- 1

Senator Russell offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 11, Section 8.640, Line 5, by striking "8.370" and inserting in lieu thereof the following: "8.8625".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SS No. 2** for **SCS** for **HB 401**, as amended, be adopted, which motion prevailed.

Senator Klindt moved that **SS No. 2** for **SCS** for **HB 401**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Kinder referred **SS No. 2** for **SCS** for **HB 401**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Gibbons, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Childers.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the

following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 2** for **SCS** for **HB 401**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **SS No. 2** for **SCS** for **HB 401**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Klindt, **SS No. 2** for **SCS** for **HB 401**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--27	
NAYS--Senators			
Bland	Dougherty	Goode	Quick
Stoll	Wheeler--6		
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--27	
NAYS--Senators			
Dougherty	Goode	Quick	Stoll
Wheeler--5			
Absent--Senator Bland--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 55**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred the addendum from the Governor appearing on Page 255 of the Senate Journal for Tuesday, February 18, 2003, to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 187, regarding Mary Ann Durham, Holts Summit, which was adopted.

Senator Vogel offered Senate Resolution No. 188, regarding Terry McCormack, Steedman, which was adopted.

Senator Kinder offered Senate Resolution No. 189, regarding Eldon Gene Nattier and James F. Coley, Cape Girardeau, which was adopted.

Senator Scott offered Senate Resolution No. 190, regarding Dr. Neal H. Lopinot, Springfield, which was adopted.

Senator Scott offered Senate Resolution No. 191, regarding the One Hundredth Birthday of Mary Belle Cook, Humansville, which was adopted.

Senator Scott offered Senate Resolution No. 192, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Rife, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin.

On behalf of Senator Bartle, the President introduced to the Senate, Home School Families from Eastern Jackson County.

Senator Childers introduced to the Senate, Bill and Doris Easley, Barry County.

Senator Steelman introduced to the Senate, Home School Families from Rolla and Salem.

Senator Dougherty introduced to the Senate, former State Senator John Bass, St. Louis.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Robert B. Fisher, D.O., Columbia.

Senator Jacob introduced to the Senate, Clayton Burnett and Ryan Rea, Jefferson City.

Senator Yeckel introduced to the Senate, Debra Kersting and volunteers and staff of the Greater Missouri Chapter of the March of Dimes.

Senator Coleman introduced to the Senate, Agriculture Leadership of Tomorrow.

On behalf of Senators Shields, Cauthorn, Dolan, Caskey, Vogel, Scott, Russell, Childers, Steelman, Griesheimer, Kinder, Foster and himself, Senator Klindt introduced to the Senate, Austin Swafford, Savannah; Ashley Lyon, Norborne; Kacie Nelson, Macon; Lee Magruder, Whiteside; David Swaters, Deepwater; Heather Shauck, Barnett;

Serena Ehlers, Stockton; Aaron Hampton, Hartville; Adam McGee, Purdy; Sarah Hodges, Salem; Sarah Loehr, Luebbering; Garrett Rives, Marble Hill; Kim Robinson, Poplar Bluff; and Jamie Lile, Strafford, 2002-2003 State FFA Officers.

Senator Gross introduced to the Senate, Julia Eckstein, St. Peters.

Senator Kennedy introduced to the Senate, Sam Moleski and Eileen Pedroley, Home Schoolers from St. Louis.

Senator Kinder introduced to the Senate, Mike Alden, Gary Pinkel, Mike Kelly, and Mario Moccia, Columbia.

Senator Quick introduced to the Senate, David and Lori Ford, and their children, Carl "Jeffrey", Megan, Cassidy, and Sydney, Claycomo; and

Jeffrey, Megan, Cassidy, and Sydney were made honorary pages.

Senator Gross introduced to the Senate, former State Representative, St. Charles County Executive Joe Ortwerth, St. Charles County.

Senator Cauthorn introduced to the Senate, Jack Reardon, Newark; and Joe and Kim Reardon, Columbia.

Senator Cauthorn introduced to the Senate, Carol Fanning, John and Carol Deters, and Mary Sachs, Bowling Green.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIFTH DAY-THURSDAY, FEBRUARY 20, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al

SB 398-Griesheimer, et al

SB 413-Steelman, et al

SB 440-Steelman

SB 441-Dougherty

SB 444-Shields and Steelman

SB 463-Gross

SB 473-Stoll

SB 493-Kennedy

SB 497-Yeckel, et al

SB 501-Gross

SB 502-Vogel

SB 503-Jacob

SB 504-Clemens and Champion

SB 505-Clemens

SB 506-Clemens

SB 507-Bray

SB 508-Bray

SB 509-Bray

SB 510-Kinder

SB 511-Kinder, et al

SB 512-Russell

SB 513-Kennedy and Coleman

SB 515-Bland

SB 516-Kennedy and Coleman

SB 517-Jacob

SB 518-Steelman

SB 519-Foster

SB 520-Klindt

SB 521-Gross

SB 522-Gross

SB 523-Kennedy and Griesheimer

SB 524-Jacob

SB 525-Dolan

SB 526-Gross

SB 527-Gross

SB 528-Gross

SB 529-Childers

SB 530-Childers

SB 531-Childers

SB 532-Mathewson and Childers

SB 533-Cauthorn

SB 534-Cauthorn

SB 535-Yeckel

SB 536-Jacob

SB 537-Jacob

SB 538-Dolan

SB 539-Bray

SB 540-Gross

SB 541-Scott

SB 542-Caskey

SB 543-Dougherty and Foster

SB 544-Gross, et al

SB 545-Mathewson

SJR 19-Clemens

SJR 20-Bray

SJR 21-Cauthorn

HCS for HB 185

HB 198-Stevenson, et al

HCS for HBs 122 & 80

HB 74-St. Onge

THIRD READING OF SENATE BILLS

SCS for SBs 299 & 40-

Champion, et al

SCS for SB 246-Steelman, et al

SS#2 for SCS for SB 55-Nodler

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott, with SCS

SB 13-Kinder

SB 18-Yeckel and Cauthorn,

with SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 36-Klindt and Cauthorn,

with SCS

SB 51-Shields

SB 112-Loudon, with SCS

SB 217-Champion and

Clemens

SB 265-Shields and Scott,

with SCS

SB 436-Klindt, with SCS,

SS for SCS, SA 2 &

point of order (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/17

SB 122-Caskey, with SCS

SB 292-Yeckel

SB 108-Gross

SB 29-Gross, with SCS

SB 50-Coleman

SB 1-Russell, with SCS

SB 4-Caskey and Russell,
with SCS

SB 117-Shields, with SCS

SB 216-Foster

SB 289-Dolan, et al

SB 314-Dolan

SB 7-Mathewson, with SCS

SB 239-Mathewson and

Scott, with SCS

SB 301-Bray

SB 357-Shields

SB 370-Foster

SB 379-Champion, with SCS

SB 383-Dolan

SB 303-Gibbons, with SCS

SB 56-Nodler, with SCS

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS,
SS for SCS & SA 1 (pending)

Journal of the Senate
FIRST REGULAR SESSION

TWENTY-FIFTH DAY--THURSDAY, FEBRUARY 20, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Draw near to God, and He will draw near to you." (James 4:8)

Gracious Lord, give to us a clean heart, O God, and create in us the sense of service to You and those we represent as we finish up our work this day. And watch over our travel and bring us safely home and may we be found in Your house with those we love this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 193, regarding Paula J. Carter Center on Minority Health and Aging, Jefferson City, which was adopted.

Senator Steelman offered Senate Resolution No. 194, regarding Carolyn Dye, Waynesville, which was adopted.

Senator Yeckel offered Senate Resolution No. 195, regarding Boy Scout Troop 661, Oakville Community, which was adopted.

Senator Gross offered Senate Resolution No. 196, regarding the Boys and Girls Clubs of St. Charles County, which was adopted.

Senator Yeckel offered Senate Resolution No. 197, regarding Linda Kunz, St. Louis County, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 546-By Caskey.

An Act to repeal sections 260.830 and 260.831, RSMo, and to enact in lieu thereof two new sections relating to landfill fees in Johnson County.

SB 547-By Caskey.

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof one new section relating to compensation for certain county treasurers.

SB 548-By Champion.

An Act to amend chapter 23, RSMo, by adding thereto one new section relating to the joint committee on legislative research.

SB 549-By Days, Wheeler, Bland and Bray.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to nonpublic personal health information.

SB 550-By Scott.

An Act to repeal sections 570.020 and 570.030, RSMo, and to enact in lieu thereof two new sections relating to stealing, with penalty provisions.

SB 551-By Yeckel.

An Act to repeal sections 383.150, 383.155, 383.160, 383.170, 383.175, 383.180, 383.185, and 383.195, RSMo, and to enact in lieu thereof nine new sections relating to medical malpractice insurance.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Nancy Samp, as a public member of the State Board of Cosmetology;

Also,

Geo. Irvin Whitehead, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

Daniel R. Flynn, as a member of the Well Installation Board;

Also,

Loretta Pinkard Prater, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission;

Also,

David J. Malmo, as a member of the State Fair Commission;

Also,

William A. Easley, Jr., as a member of the Clean Water Commission;

Also,

Derio L. Gambaro and Michael A. Lueken, as members of the St. Louis City Board of Election Commissioners;

Also,

Lewis C. Chartock, Ph.D., as a member of the Missouri Training and Employment Council.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 234**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 56**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 84**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 69**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 34**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 347**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 481**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 24**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

THIRD READING OF SENATE BILLS

SCS for **SBs 299** and **40**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 299 and 40

An Act to repeal sections 33.210, 33.270, 33.800, 33.803, 33.805, 33.807, and 33.810, RSMo, and to enact in lieu thereof seven new sections relating to performance-based budgeting.

Was taken up by Senator Champion.

Senator Shields assumed the Chair.

President Maxwell assumed the Chair.

On motion of Senator Champion, **SCS** for **SBs 299** and **40** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler--30		
NAYS--Senators--None			
Absent--Senator Stoll--1			

	Absent with leave--Senators	
Bray	DePasco	Yeckel--3

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Steelman moved that motion lay on the table, which motion prevailed.

SCS for SB 246, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 246

An Act to repeal sections 386.050, 386.120, 386.210, 392.200, and 393.015, RSMo, and to enact in lieu thereof seven new sections relating to the public service commission.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SCS for SB 246** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Goode--2		
Absent with leave--Senators			
Bray	DePasco	Yeckel--3	

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Nodler moved that motion lay on the table, which motion prevailed.

SS No. 2 for SCS for SB 55, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 55

An Act to repeal sections 173.005, 174.020, 174.231, 174.241, 174.324, and 174.450, RSMo, and to enact in lieu thereof six new sections relating to state institutions of higher education.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **SS No. 2** for **SCS** for **SB 55** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler--28
NAYS--Senators			
Caskey	Klindt	Mathewson--3	
Absent--Senators--None			
Absent with leave--Senators			
Bray	DePasco	Yeckel --3	

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 553-By Bartle.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state aid to the public schools of this state.

SB 554-By Klindt.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to carry-back losses.

SB 555-By Kinder and Foster.

An Act to amend chapter 91, RSMo, by adding thereto one new section relating to the supply of electrical power and energy to certain large industrial customers, with an emergency clause.

SB 556-By Kinder, Dougherty, Steelman, Coleman, Bland, Kennedy, Stoll, Gibbons, Shields, Bartle, Gross, Vogel, Scott, Loudon, Clemens, Nodler, Champion, Klindt and Foster.

An Act to repeal sections 198.006, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.105, 198.525, 198.526, 198.532, 208.072, 208.159, 344.050, 565.186, 570.145, 630.140, 630.165, 630.167, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof thirty-eight new sections relating to the protection of the elderly, with penalty provisions and an expiration date for a certain section.

SB 557--By Shields.

An Act to repeal sections 338.013, 338.055, 338.065, 338.220, and 338.353, RSMo, and to enact in lieu thereof ten new sections relating to the licensure and regulation of pharmacists, pharmacies, drug distributors and related pharmaceutical services and personnel, with penalty provisions.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 374--Pensions and General Laws.

SB 398--Agriculture, Conservation, Parks and Natural Resources.

SB 544--Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Childers offered Senate Resolution No. 198, regarding Matthew Lee "Matt" Stoll, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 199, regarding Michael James "Mike" Cobb, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 200, regarding William Ray "Billy" McAnally, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 201, regarding Garrett Lee Jackson, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 202, regarding Nicholas Alexander "Nick" Peregrino, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 203, regarding James Christopher Justus, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 204, regarding Kelvin Wayne Cash, Ridgedale, which was adopted.

COMMUNICATIONS

Senator Gibbons submitted the following:

February 20, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted unanimously to approve the 92nd General Assembly's Bootheel Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Members of the Bootheel Caucus:

Senator Bill Foster Representative Mike Dethrow

Representative Gayle Kingery Representative Rod Jetton

Representative Rob Mayer Representative Peter Myers

Representative Lanie Black Representative Denny Merideth

Representative Otto Bean, Jr. Representative Jason Crowell

Senator Peter Kinder

Also,

February 20, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted unanimously to approve the 92nd General Assembly's 7th Senatorial District Legislators Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Members of the 7th Senatorial District Legislators Caucus:

Senator John Loudon Representative Jane Cunningham

Representative Catherine Hanaway Representative Allen Icet

Representative Al Liese Representative Sam Page

Representative Charles Portwood Representative Neal St. Onge

Representative Jodi Stefanick Representative Clint Zweifel

Senator Shields submitted the following:

February 20, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325

Dear Ms. Spieler:

I respectfully request that SCS for SB 303 be removed from the consent calendar.

Thank you.

/s/ Charlie

Senator Charles Shields

INTRODUCTIONS OF GUESTS

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Travis and Patrick Bardgeon, St. Charles.

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. John W. Esther, M.D., and his son, Windsor, Springfield; and Windsor was made an honorary page.

Senator Stoll introduced to the Senate, eighteen fourth grade students from Sacred Heart School, Festus.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, February 24, 2003.

SENATE CALENDAR

TWENTY-SIXTH DAY-MONDAY, FEBRUARY 24, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 413-Steelman, et al

SB 440-Steelman

SB 441-Dougherty

SB 444-Shields and Steelman

SB 463-Gross

SB 473-Stoll

SB 493-Kennedy

SB 497-Yeckel, et al

SB 501-Gross

SB 502-Vogel

SB 503-Jacob

SB 504-Clemens and Champion

SB 505-Clemens

SB 506-Clemens

SB 507-Bray

SB 508-Bray

SB 509-Bray

SB 510-Kinder

SB 511-Kinder, et al

SB 512-Russell

SB 513-Kennedy and Coleman

SB 515-Bland

SB 516-Kennedy and Coleman

SB 517-Jacob

SB 518-Steelman

SB 519-Foster

SB 520-Klindt

SB 521-Gross

SB 522-Gross

SB 523-Kennedy and Griesheimer

SB 524-Jacob

SB 525-Dolan

SB 526-Gross

SB 527-Gross

SB 528-Gross

SB 529-Childers

SB 530-Childers

SB 531-Childers

SB 532-Mathewson and
Childers

SB 533-Cauthorn

SB 534-Cauthorn

SB 535-Yeckel

SB 536-Jacob

SB 537-Jacob

SB 538-Dolan

SB 539-Bray

SB 540-Gross

SB 541-Scott

SB 542-Caskey

SB 543-Dougherty and Foster

SB 545-Mathewson

SB 546-Caskey

SB 547-Caskey

SB 548-Champion

SB 549-Days, et al

SB 550-Scott

SB 551-Yeckel

SB 552-Yeckel

SB 553-Bartle

SB 554-Klindt

SB 555-Kinder and Foster

SB 556-Kinder, et al

SB 557-Shields

SJR 19-Clemens

SJR 20-Bray

SJR 21-Cauthorn HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al

HCS for HBs 122 & 80

HB 74-St. Onge SENATE BILLS FOR PERFECTION

SB 234-Quick

SB 84-Cauthorn and Klindt, with SCS

SB 69-Yeckel, with SCS

SB 34-Loudon

SB 347-Loudon, et al, with

SCS

SB 481-Dolan, et al, with SCS

SB 24-Steelman, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott, with SCS

SB 13-Kinder

SB 18-Yeckel and Cauthorn,

with SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 36-Klindt and Cauthorn,

with SCS

SB 51-Shields

SB 112-Loudon, with SCS

SB 217-Champion and Clemens

SB 265-Shields and Scott,

with SCS

SB 436-Klindt, with SCS,

SS for SCS, SA 2 &

point of order (pending) CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell Reported 2/17

SB 122-Caskey, with SCS

SB 292-Yeckel

SB 108-Gross

SB 29-Gross, with SCS

SB 50-Coleman

SB 4-Caskey and Russell,

with SCS

SB 117-Shields, with SCS

SB 216-Foster

SB 289-Dolan, et al

SB 314-Dolan

SB 7-Mathewson, with SCS

SB 239-Mathewson and Scott,

with SCS

SB 301-Bray

SB 357-Shields

SB 370-Foster

SB 379-Champion, with SCS

SB 383-Dolan

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SIXTH DAY--MONDAY, FEBRUARY 24, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"I like the dreams of the future better than the history of the past." (Thomas Jefferson, 1816)

Gracious God, many are saying that what the legislative body does this year will determine the future of Missouri for years to come and we come fully mindful of this responsibility. Bless us with the wisdom we must have to determine a faithful course for our people and this state. And grant us faithfulness to follow Your lead. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Gibbons moved that the Senate Journal for Thursday, February 20, 2003, be corrected on Page 278, Column 1, Line 24, by inserting after said line the following:

"SB 552-By Yeckel.

An Act to repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to property exempt from attachment.", which motion prevailed.

The Journal for Thursday, February 20, 2003, was read and approved, as corrected.

Photographers from KSPR-TV, Springfield, were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields

RESOLUTIONS

Senator Childers offered Senate Resolution No. 205, regarding Kody Robert Rein, Branson, which was adopted.

Senator Mathewson offered Senate Resolution No. 206, regarding Billy Joe Homan, Syracuse, which was adopted.

Senator Childers offered Senate Resolution No. 207, regarding the Aid-Hodgson Mill, Sycamore, which was adopted.

Senator Wheeler offered Senate Resolution No. 208, regarding the Terminal Railway Company Roundhouse Complex, Kansas City, which was adopted.

Senator Coleman offered Senate Resolution No. 209, regarding Guy Slay, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 210, regarding the Landmarks Association, St. Louis, which was adopted.

Senator Cauthorn offered Senate Resolution No. 211, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Hathaway, Palmyra, which was adopted.

Senator Yeckel offered Senate Resolution No. 212, regarding Sean Patrick Harrison, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senators Gross, Kennedy and Bartle offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, the State of Missouri is currently facing a budget crisis and has limited resources for state spending; and

WHEREAS, the General Assembly is a co-equal branch of state government and is responsible for the appropriation of state funds for various governmental entities; and

WHEREAS, the public expects and requires the General Assembly to ensure that state resources are being used as efficiently and effectively as possible; and

WHEREAS, the General Assembly is responsible for the appropriation of funds to support the operation of the forty-five judicial circuits of this state; and

WHEREAS, the General Assembly has a duty to ensure that funds appropriated to the forty-five judicial circuits are being used efficiently and effectively;

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Judicial Resources in Missouri; and

BE IT FURTHER RESOLVED that the Committee shall be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the fiscal activities of the state's forty-five judicial circuits, including an examination of the caseload of each circuit judge and associate circuit judge, and make any recommendations for improving the efficiency and effectiveness of the judicial circuits; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations from the Office of State Courts Administrator, any judicial circuit within the state and the Missouri Bar; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 1, 2004, and the authority of such Committee shall terminate on December 31, 2003; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, the office of the State Courts Administrator, each judicial circuit in the state, and the Missouri Bar Association.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 558-By Klindt.

An Act to repeal sections 217.305 and 217.380, RSMo, and to enact in lieu thereof three new sections relating to the department of corrections.

SB 559-By Klindt.

An Act to repeal section 43.060, RSMo, and to enact in lieu thereof one new section relating to the state highway patrol.

SB 560-By Childers.

An Act to repeal sections 640.100, 640.115, 640.131, 640.605, 640.615, and 640.620, RSMo, and to enact in lieu thereof seven new sections relating to the regulation of clean water.

SB 561-By Dolan.

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to home improvement contracts.

SB 562-By Griesheimer.

An Act to authorize the conveyance of property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

SB 563-By Shields.

An Act to repeal sections 566.025, 566.032, 566.062, 566.067, 566.083, and 566.100, RSMo, and to enact in lieu thereof six new sections relating to sexual offenses, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Foster, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 325**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 371**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 296**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 310**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 330**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 401**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 288**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 465**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 466**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 474**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 242, Page 1, Section 512.099, Line 4, by striking the word "statues" and inserting in lieu thereof the following: "**statutes**"; and further amend line 6, by striking "twenty-five" and inserting in lieu thereof the following: "**fifty**".

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 203**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 214**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which were referred **SB 212** and **SB 220**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 136**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 376**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 297**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 294**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 57**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted

the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 142**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 186**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 218**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 224**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute No. 2, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 238**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 250**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 269**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 281**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, Senator Gibbons submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 391**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 308**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 303**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 317**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 385**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 54**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

THIRD READING OF SENATE BILLS

SB 122, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 137.245, RSMo, and to enact in lieu thereof two new sections relating to dates of delivery of assessor's tax books, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 122**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 122

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to dates of delivery of certain assessors' tax books.

Was taken up.

Senator Caskey moved that **SCS** for **SB 122** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 122** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle

Bland

Caskey

Cauthorn

Champion

Childers

Clemens

Coleman

Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Bray	DePasco--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 292, introduced by Senator Yeckel, entitled:

An Act to repeal section 407.433, RSMo, and to enact in lieu thereof one new section relating to disclosure of credit card numbers on sales receipts, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Yeckel, **SB 292** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Kinder	Russell	Scott--3	
	Absent with leave--Senators		
Bray	DePasco--2		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gross moved that motion lay on the table, which motion prevailed.

SB 108, introduced by Senator Gross, entitled:

An Act to repeal section 109.250, RSMo, and to enact in lieu thereof one new section relating to the state records commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 108** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Bray	DePasco--2		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 29, with **SCS**, introduced by Senator Gross, entitled:

An Act to repeal sections 115.359 and 115.363, RSMo, and to enact in lieu thereof two new sections relating to deadlines for elections.

Was called from the Consent Calendar and taken up.

SCS for **SB 29**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 29

An Act to repeal sections 115.359 and 115.363, RSMo, and to enact in lieu thereof two new sections relating to deadlines for elections.

Was taken up.

Senator Gross moved that **SCS** for **SB 29** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 29** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bray DePasco--2

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Coleman moved that motion lay on the table, which motion prevailed.

SB 50, introduced by Senator Coleman, entitled:

An Act to repeal section 116.130, RSMo, relating to verification of signatures on initiative or referendum petitions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Coleman, **SB 50** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Klindt	Loudon	Nodler
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
	NAYS--Senator Kinder--1		
	Absent--Senators		
Goode	Mathewson	Quick	Russell--4
	Absent with leave--Senators		
Bray	DePasco--2		

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 4, with **SCS**, introduced by Senators Caskey and Russell, entitled:

An Act to amend chapters 41 and 301, RSMo, by adding thereto two new sections relating to antiterrorism.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **SB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 4

An Act to amend chapters 41 and 301, RSMo, by adding thereto two new sections relating to antiterrorism.

Was taken up.

Senator Caskey moved that **SCS** for **SB 4** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 4** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators			
Bray	DePasco--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 436**, with **SCS**, **SS** for **SCS**, **SA 2** and point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Mathewson, the pending point of order was withdrawn.

At the request of Senator Klindt, **SB 436**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Yeckel moved that **SB 18**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Mathewson offered **SS** for **SCS** for **SB 18**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 18

An Act to repeal sections 166.415 and 166.435, RSMo, and to enact in lieu thereof fourteen new sections relating to higher education savings programs.

Senator Mathewson moved that **SS** for **SCS** for **SB 18** be adopted.

Senator Gross assumed the Chair.

Senator Quick offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 18, Page 6, Section 166.435, Line 26, by inserting immediately after the word "taxpayer" the following: "**, or sixteen thousand dollars if the taxpayer is a qualifying widow or widower or head of household**".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Goode offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 18, Page 6, Section 166.435, Line 28, by inserting after the word "RSMo.", the following: "**until the expiration of the contract with the current financial institution operating the savings program pursuant to sections 166.400 to 166.455**".

Senator Goode moved that the above amendment be adopted, which motion failed on a standing division vote.

At the request of Senator Yeckel, **SB 18**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HB 401** and has taken up and passed **SS No. 2** for **SCS** for **HB 401**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 288**, entitled:

An Act to repeal sections 160.534 and 164.303, RSMo, and to enact in lieu thereof three new sections relating to gambling moneys for schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 15**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 221**, entitled:

An Act to repeal sections 59.163, 59.800, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 369.159, 400.1-103, 400.3-102, 400.4-102, 400.9-525, 400.9-626, 407.433, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.557, 408.653, and 408.654, RSMo, and to enact in lieu thereof twenty-six new sections relating to banking, with an emergency clause for a certain section and penalty provisions.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 254**, entitled:

An Act to repeal sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675, 28.678, and 28.681, RSMo, and to enact in lieu thereof seventeen new sections relating to the uniform electronic transactions act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS No. 2** for **SCS** for **HB 401**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being

made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Shields assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paul Evan Hauser, 11815 Lillian Avenue, Des Peres, St. Louis County, Missouri 63131, as a member of the Clean Water Commission, for a term ending February 21, 2007, and until his successor is duly appointed and qualified; vice, RSMo 644.021.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ik-Whan G. Kwon, 234 New Salem Drive, St. Louis, St. Louis County, Missouri 63108, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Brenda Nolte, Republican, 1211 Romany, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Community Service Commission, for a term ending February 21, 2006, and until her successor is duly appointed and qualified; vice, Gwen R. Swearingin, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert J. Saunders, Democrat, 1542 Merit Lane, Liberty, Clay County, Missouri 64068, as a member of the Hazardous Waste Management Commission, for a term ending April 27, 2005, and until his successor is duly appointed and qualified; vice, Maxine Lipeles, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cecil Gordon Wood, 2 Dumbarton Drive, St. Louis, St. Louis County, Missouri 63132, as a member of the Missouri State Board of Accountancy, for a term ending August 15, 2007, and until his successor is duly appointed and qualified; vice, Janice Ellis, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 564-By Gross.

An Act to repeal sections 92.045, 305.510, and 305.515, RSMo, and to enact in lieu thereof three new sections relating to the Missouri-St. Louis metropolitan airport authority, with an effective date.

SB 565-By Goode.

An Act to amend chapter 620, RSMo, by adding thereto nine new sections relating to job creation and fiscal accountability.

SB 566-By Cauthorn, Steelman, Clemens and Klindt.

An Act to repeal sections 144.010 and 277.020, RSMo, and to enact in lieu thereof two new sections relating to livestock.

SB 567-By Steelman.

An Act to amend chapter 204, RSMo, by adding thereto thirty-three new sections relating to reorganized common sewer districts, with penalty provisions.

SB 568-By Yeckel.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to children on motorcycles, with penalty provisions.

SB 569-By Yeckel.

An Act to repeal sections 115.027, 115.074, 115.076, 115.085, 115.098, 115.105, 115.107, 115.125, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.163, 115.165, 115.275, 115.277, 115.279, 115.284, 115.287, 115.292, 115.417, 115.430, 115.761, and 115.801, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elections.

SB 570-By Loudon and Dolan.

An Act to repeal section 301.132, RSMo, and to enact in lieu thereof one new section relating to vehicle registration.

SB 571-By Loudon.

An Act to repeal sections 210.115 and 352.400, RSMo, and to enact in lieu thereof two new sections relating to Christian Science practitioners.

SB 572-By Dougherty.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to postsecondary education for foster children.

REPORTS OF STANDING COMMITTEES

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 423**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 356**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 355**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 227**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle requested unanimous consent of the Senate to have **SB 242**, with **SCA 1**,

returned to the Committee on the Judiciary and Civil and Criminal Jurisprudence, as it was mistakenly turned in as a Consent Bill, when in fact it is not, which request was granted.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 213, regarding Betty Lewis Horine, Warrensburg, which was adopted.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SEVENTH DAY-TUESDAY, FEBRUARY 25, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 413-Steelman, et al

SB 440-Steelman

SB 441-Dougherty

SB 444-Shields and Steelman

SB 463-Gross

SB 473-Stoll

SB 493-Kennedy

SB 497-Yeckel, et al

SB 501-Gross

SB 502-Vogel

SB 503-Jacob

SB 504-Clemens and Champion

SB 505-Clemens

SB 506-Clemens

SB 507-Bray

SB 508-Bray

SB 509-Bray

SB 510-Kinder

SB 511-Kinder, et al

SB 512-Russell

SB 513-Kennedy and Coleman

SB 515-Bland

SB 516-Kennedy and Coleman

SB 517-Jacob

SB 518-Steelman

SB 519-Foster

SB 520-Klindt

SB 521-Gross

SB 522-Gross

SB 523-Kennedy and Griesheimer

SB 524-Jacob

SB 525-Dolan

SB 526-Gross

SB 527-Gross

SB 528-Gross

SB 529-Childers

SB 530-Childers

SB 531-Childers

SB 532-Mathewson and

Childers

SB 533-Cauthorn

SB 534-Cauthorn

SB 535-Yeckel

SB 536-Jacob

SB 537-Jacob

SB 538-Dolan

SB 539-Bray & Days

SB 540-Gross

SB 541-Scott

SB 542-Caskey

SB 543-Dougherty and Foster

SB 545-Mathewson

SB 546-Caskey

SB 547-Caskey

SB 548-Champion

SB 549-Days, et al

SB 550-Scott

SB 551-Yeckel

SB 552-Yeckel

SB 553-Bartle

SB 554-Klindt

SB 555-Kinder and Foster

SB 556-Kinder, et al

SB 557-Shields

SB 558-Klindt

SB 559-Klindt

SB 560-Childers

SB 561-Dolan

SB 562-Griesheimer

SB 563-Shields

SB 564-Gross

SB 565-Goode

SB 566-Cauthorn, et al

SB 567-Steelman

SB 568-Yeckel

SB 569-Yeckel

SB 570-Loudon and Dolan

SB 571-Loudon

SB 572-Dougherty

SJR 19-Clemens

SJR 20-Bray

SJR 21-Cauthorn

HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al

HCS for HBs 122 & 80

HB 74-St. Onge

HCS for HB 288

HCS for HB 15

HCS for HB 221

HB 254-Byrd

SENATE BILLS FOR PERFECTION

SB 234-Quick

SB 84-Cauthorn and Klindt,

with SCS

SB 69-Yeckel, with SCS

SB 34-Loudon

SB 347-Loudon, et al, with SCS

SB 481-Dolan, et al, with SCS

SB 24-Steelman, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott,

with SCS

SB 13-Kinder

SB 18-Yeckel and Cauthorn,

with SCS & SS for SCS

(pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 36-Klindt and Cauthorn,

with SCS

SB 51-Shields

SB 112-Loudon, with SCS

SB 217-Champion and Clemens

SB 265-Shields and Scott, with SCS

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

CONSENT CALENDAR

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/17

SB 117-Shields, with SCS

SB 216-Foster

SB 289-Dolan, et al

SB 314-Dolan

SB 7-Mathewson, with SCS

SB 239-Mathewson and

Scott, with SCS

SB 301-Bray

SB 357-Shields

SB 370-Foster

SB 379-Champion, with SCS

SB 383-Dolan

Reported 2/24

SB 325-Steelman

SB 371-Foster

SB 296-Griesheimer, with SCS

SB 310-Caskey

SB 330-Caskey

SB 401-Dolan, et al

SB 288-Dolan, with SCS

SB 465-Bartle

SB 466-Bartle, with SCS

SB 474-Bartle

SB 203-Bartle

SB 214-Bartle

SBs 212 & 220-Bartle, with SCS

SB 136-Goode

SB 376-Caskey

SB 297-Griesheimer

SB 294-Vogel, with SCS

SB 57-Nodler

SB 142-Goode and Days

SB 186-Cauthorn

SB 218-Goode, et al, with SCS

SB 224-Vogel, with SCS#2

SB 238-Caskey, with SCS

SB 250-Stoll

SB 269-Quick, with SCS

SB 281-Shields, with SCS

SB 391-Shields, et al, with SCS

SB 308-Steelman, with SCS

SB 303-Gibbons, with SCS

SB 317-Stoll and Bray

SB 385-Scott, with SCS

SB 54-Griesheimer

SB 423-Childers

SB 356-Stoll

SB 355-Stoll

SB 227-Cauthorn, with SCS

RESOLUTIONS

To be Referred

SCR 7-Gross, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY--TUESDAY, FEBRUARY 25, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"Behold what manner of love the Father has bestowed upon us, that we should be called children of God!" (I John 3:1)

Heavenly Father, we are blessed and thankful that Your smile shines on each of us everyday as a father smiles on his children. May we honor Your love by our effort and the fruits of those efforts as we discern the needs of our fellow citizens and do what is right. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator DePasco--1			

RESOLUTIONS

Senator Jacob offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 214

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2003, the American Legion Auxiliary, Department of Missouri, is conducting the Sixty-Second annual session of

Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-Second General Assembly, hereby grant the adult leaders and participants of the Sixty-Second Session of the Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session on June 24, 2003.

Senator Caskey offered Senate Resolution No. 215, regarding the One Hundredth Birthday of Zara Louise Boals, Garden City, which was adopted.

Senator Shields offered Senate Resolution No. 216, regarding Matthew Alan Vanecek, which was adopted.

Senator Shields offered Senate Resolution No. 217, regarding William Barret Sims, which was adopted.

Senator Shields offered Senate Resolution No. 218, regarding Cody Edward Roth, which was adopted.

Senator Shields offered Senate Resolution No. 219, regarding Matthew Isidore Reyes, which was adopted.

Senator Shields offered Senate Resolution No. 220, regarding Joe Phillip Protenic, which was adopted.

Senator Shields offered Senate Resolution No. 221, regarding Andrew Joseph Gordon, which was adopted.

Senator Shields offered Senate Resolution No. 222, regarding Brandon Michael Kimble, which was adopted.

Senator Shields offered Senate Resolution No. 223, regarding Kevin "Max" Coldren, which was adopted.

Senator Shields offered Senate Resolution No. 224, regarding Carlin Owen Leslie, which was adopted.

Senator Shields offered Senate Resolution No. 225, regarding Stephen John Moore, which was adopted.

CONCURRENT RESOLUTIONS

Senator Dougherty offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, Nathaniel J. "Nat" Rivers served the people of the City of St. Louis as a member of the Missouri House of Representatives beginning in 1969, and he continued to serve for the next fourteen years; and

WHEREAS, Nat Rivers was born in Cache, Illinois and educated at Sumner High School in Cairo, Illinois, Southern Illinois University at Carbondale and St. Louis University; and

WHEREAS, Nat Rivers, a real estate and insurance broker, was very active in his community, and served on the Board of Directors of Mid-City Rental Company, Union Sarah Community Corporation, West Side Redevelopment Corporation, West End Congress, Union-Sarah Economic Development Corporation and West Side Community Gardens; and

WHEREAS, Nat Rivers was recognized for his contributions to the St. Louis community through numerous awards, including the St. Louis Citizens Award in Community Service in 1979, the Harris-Stowe College Award in recognition for his concern for Higher Education and Human Development in 1978, and the Dr. Martin Luther King Jr. Human Rights Award in 1979; and

WHEREAS, such awards only begin to recognize Nat Rivers' true accomplishments and contributions to the citizens of St. Louis and the State of Missouri; and

WHEREAS, the most appropriate way to recognize an individual of Nat Rivers' stature is to name a public building after him; and

WHEREAS, the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, has no proper name; and

WHEREAS, this St. Louis Central Office provides much needed community services to persons in the St. Louis area, including job service and development, job corps, work opportunity and welfare-to-work information, job training assistance, veterans service and unemployment benefit information; and

WHEREAS, Nat Rivers' contributions and service to the community of St. Louis are exemplary and distinguished:

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, proclaims that the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, be hereby named the "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development", and that a sign or signs of appropriate size, lettering and design be constructed and placed on said office property with the name "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development" on said sign, which shall be readily legible from the street; and

BE IT FURTHER RESOLVED that the Director of the Department of Economic Development shall promptly notify those members of the General Assembly whose constituents are served by the Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development, the Secretary of the Senate and the Chief Clerk of the House of Representatives with the date in which said sign or signs are to be placed on the property; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate prepare properly inscribed copies of this resolution for the Director of the Department of Economic Development and the Office of Administration.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 573-By Dougherty.

An Act to repeal sections 402.199, 402.200, 402.205, 402.215, and 402.217, RSMo, and to enact in lieu thereof five new sections relating to the Missouri family trust.

SB 574-By Days, Coleman and Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to teacher salary supplements.

SB 575-By Kennedy and Coleman.

An Act to repeal section 84.140, RSMo, and to enact in lieu thereof one new section relating to St. Louis City police officers.

SB 576-By Vogel.

An Act to authorize the conveyance of property owned by the state in the county of Cole to the Missouri state penitentiary redevelopment commission.

SB 577-By Shields.

An Act to authorize the governor to convey state property to the city of St. Joseph, Missouri.

SB 578-By Shields.

An Act to authorize the governor to convey a tract of land owned by the state in the county of Platte.

SB 579-By Wheeler.

An Act to amend chapter 355, RSMo, by adding thereto twelve new sections relating to the conversion of nonprofit entities to for-profit status, with an emergency clause.

SB 580-By Wheeler.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof three new sections relating to the lifetime home grant program.

SB 581-By Clemens.

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to special license plates.

THIRD READING OF SENATE BILLS

SB 117, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal section 301.010, RSMo, relating to driveaway operations, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 117**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 117

An Act to repeal sections 301.010 and 301.069, RSMo, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Shields moved that **SCS** for **SB 117** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 117** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Goode--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Foster moved that motion lay on the table, which motion prevailed.

SB 216, introduced by Senator Foster, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

Was called from the Consent Calendar and taken up.

On motion of Senator Foster, **SB 216** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Dolan moved that motion lay on the table, which motion prevailed.

SB 289, introduced by Senator Dolan, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Trooper Charles P. Corbin memorial highway.

Was called from the Consent Calendar and taken up by Senator Dolan.

On motion of Senator Dolan, **SB 289** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Stoll--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SB 314, introduced by Senator Dolan, entitled:

An Act to repeal section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, relating to abandoned property.

Was called from the Consent Calendar and taken up.

On motion of Senator Dolan, **SB 314** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 13** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Kinder offered **SS** for **SB 13**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 13

An Act to repeal section 21.750, RSMo, relating to rights of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

Senator Kinder moved that **SS** for **SB 13** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 13, Page 2, Section 21.750, Lines 18-21 by, deleting the words **"Provided, however, that nothing in this section shall restrict the rights of individual citizens to recover for injury or death caused by the negligent or defective design or manufacture of firearms or ammunition."** and to insert in lieu thereof the words **"Provided, however, that nothing in this section shall prohibit, restrict or abridge the rights of individuals to bring suit for abatement, injunctive relief, or damages for bodily injury, death, or property damage resulting from or relating to the intentional, negligent or defective design, marketing, manufacture, distribution, or sale of firearms or ammunition."**

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Dougherty, Kinder and Scott.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

SA 1 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Quick	Wheeler--10		
	NAYS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

Senator Dougherty offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 13, Page 2, Section 21.750.5, Line 16, after "public" on said line, by deleting the remainder of said line, all of line 17 and all words thru the word "future" on line 18.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Bray, Days and Kennedy.

SA 2 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Coleman	Days
Dougherty	Jacob	Kennedy	Quick
Wheeler--9			
	NAYS--Senators		
Bartle	Caskey	Cauthorn	Champion
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder

Klindt	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--22		
	Absent--Senators		
Childers	Loudon--2		
	Absent with leave--Senator DePasco--1		

Senator Bland offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 13, Page 2, Section 21.750, Line 27, by inserting immediately after said line the following:

"571.227. 1. It shall be unlawful for manufacturers of concealable firearms, as defined in section 571.010, or of assault weapons, as defined in subsection 2 of this section, to distribute any concealable firearm or assault weapon in this state unless such firearm is equipped with a reusable child safety lock, firearm lock or firearm locking device, gun lock or gun locking device appropriate for such firearm, which lock or device shall be constructed of material sufficiently strong to prevent it from being easily disabled and have a locking mechanism accessible by key or electronic or other mechanical accessory specific to such lock or device to prevent unauthorized removal of the locking device.

2. As used in this section an assault weapon is:

(1) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic firearms: Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol;

(2) A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be rapidly assembled if those parts are in the possession or under the control of the same person; or

(3) Any of the following:

(a) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

a. A pistol grip that protrudes conspicuously beneath the action of the weapon;

b. A thumbhole stock;

c. A folding or telescoping stock;

d. A grenade launcher or flare launcher;

e. A flash suppressor;

f. A forward pistol grip;

(b) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than ten rounds;

(c) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches;

(d) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

a. A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

b. A second handgrip;

c. A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel;

d. The capacity to accept a detachable magazine at some location outside of the pistol grip;

(e) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than ten rounds;

(f) A semiautomatic shotgun that has both of the following:

a. A folding or telescoping stock; and

b. A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip;

(g) A semiautomatic shotgun that has the ability to accept a detachable magazine; or

(h) Any shotgun with a revolving cylinder.

3. Assault weapon does not include any antique firearm.

4. As used in this section, the following terms mean:

(1) "Capacity to accept more than ten rounds", capable of accommodating more than ten rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than ten rounds;

(2) "Magazine", any ammunition feeding device.

5. As used in this section the term "assault weapon" does not include any firearm modified to render it permanently inoperable."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 3** is out of order, as it is not germane to the subject matter of the underlying legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kinder moved that **SS** for **SB 13** be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SB 13** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on Pages 296 and 297 of the Senate Journal for Monday, February 24, 2003, to the Committee on Gubernatorial Appointments.

President Pro Tem Kinder referred **SCR 7** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 501--Ways and Means.

SB 502--Ways and Means.

SB 503--Education.

SB 504--Economic Development, Tourism and Local Government.

SB 505--Agriculture, Conservation, Parks and Natural Resources.

SB 506--Aging, Families, Mental and Public Health.

SB 508--Ways and Means.

SB 509--Commerce and the Environment.

SB 510--Aging, Families, Mental and Public Health.

SB 511--Pensions and General Laws.

SB 513--Economic Development, Tourism and Local Government.

SB 515--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 516--Pensions and General Laws.

SB 517--Small Business, Insurance and Industrial Relations.

SB 518--Governmental Accountability and Fiscal Oversight.

SB 519--Education.

SB 520--Education.

SB 521--Economic Development, Tourism and Local Government.

SB 522--Economic Development, Tourism and Local Government.

SB 523--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 524--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 525--Education.

SB 526--Judiciary and Civil and Criminal Jurisprudence.

SB 527--Economic Development, Tourism and Local Government.

SB 528--Judiciary and Civil and Criminal Jurisprudence.

SB 529--Economic Development, Tourism and Local Government.

SB 530--Ways and Means.

SB 531--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 532--Agriculture, Conservation, Parks and Natural Resources.

SB 533--Small Business, Insurance and Industrial Relations.

SB 534--Aging, Families, Mental and Public Health.

SB 535--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 536--Ways and Means.

SB 537--Judiciary and Civil and Criminal Jurisprudence.

SB 538--Judiciary and Civil and Criminal Jurisprudence.

SB 539--Small Business, Insurance and Industrial Relations.

SB 540--Economic Development, Tourism and Local Government.

SB 541--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 542--Pensions and General Laws.

SB 543--Judiciary and Civil and Criminal Jurisprudence.

SB 546--Economic Development, Tourism and Local Government.

SB 547--Economic Development, Tourism and Local Government.

SB 548--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 550--Judiciary and Civil and Criminal Jurisprudence.

SB 551--Small Business, Insurance and Industrial Relations.

SB 552--Pensions and General Laws.

SB 553--Education.

SB 554--Agriculture, Conservation, Parks and Natural Resources.

SB 555--Commerce and the Environment.

SB 556--Aging, Families, Mental and Public Health.

SB 557--Aging, Families, Mental and Public Health.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HB 15**--Appropriations.

INTRODUCTION OF BILLS

SB 582-By Kennedy, Coleman, Dougherty, Clemens and Nodler.

An Act to amend chapters 488 and 589, RSMo, by adding thereto two new sections relating to the creation of the gang resistance education and training program and the show me students with character initiative.

SB 583-By Nodler.

An Act to repeal section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, for the sole purpose of repealing a section that was held unconstitutional by the Missouri Supreme Court.

SB 584-By Dolan.

An Act to amend chapter 570, RSMo, by adding thereto four new sections relating to motor vehicle theft, with penalty provisions.

SB 585-By Dolan.

An Act to repeal section 163.036, RSMo, and to enact in lieu thereof two new sections relating to eligible pupil counts for the purpose of computing state aid to the public schools of this state.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 226, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Joseph Naert, Sunset Hills, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Michael Shelton, Chicago, Illinois; Nick Hart, Kansas City; and Kristen Pingel, St. Charles.

Senator Foster introduced to the Senate, his daughter, Karmen, and Jannette Helton, Poplar Bluff.

Senator Shields introduced to the Senate, Mike and Serena Loving, and Cheryl Rosenhaur, St. Joseph.

On behalf of Senator Gibbons and herself, Senator Bray introduced to the Senate, Mayor Pat Kelly, and his son, Brian, Brentwood; and Brian was made an honorary page.

Senator Vogel introduced to the Senate, fourteen students from Small Fry Pre-School, Jefferson City.

Senator Griesheimer introduced to the Senate, Troy Wagers, Sullivan; and Dustin Horn, Washington.

Senator Coleman introduced to the Senate, David Hui, San Jose, California.

On behalf of Senators Clemens, Champion, and herself, Senator Yeckel introduced to the Senate, DelRae Luehrs, AYUSA; Kathleen O'Dell, Springfield; and Azur Zenunovic, Ljiljana Stanisic, Vedran Pavlovic, Jasna Basic, Dejana Baljak, and Amila Imamovic, AYUSA Foreign Exchange students from Brcko, Bosnia-Herzegovina; and Azur,

Ljiljana, Vedran, Jasna, Dejana, and Amila were made honorary pages.

Senator Russell introduced to the Senate, Oscar Carter and Randy Reed, Mountain Grove.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Maria Schmidt, M.D., St. Louis.

Senator Yeckel introduced to the Senate, Laura Stephenson, University City.

Senator Bray introduced to the Senate, Kelly Gardner, St. Louis.

Senator Kinder introduced to the Senate, Kayce Porterfield, Angie Huffman, Chris Warren, Brian Kelley, Debbie Lee, and representatives of Mineral Area College Student Government, Park Hills.

Senator Steelman introduced to the Senate, twelve students from the University of Missouri-Rolla.

Senator Steelman introduced to the Senate, Mrs. Leimkeuhler, six adults, and twenty-two fourth grade students from Gasconade R-2 School, Owensville.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-EIGHTH DAY-WEDNESDAY, FEBRUARY 26, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 413-Steelman, et al

SB 440-Steelman

SB 441-Dougherty

SB 444-Shields and Steelman

SB 463-Gross

SB 473-Stoll

SB 493-Kennedy

SB 497-Yeckel, et al

SB 507-Bray

SB 512-Russell

SB 545-Mathewson

SB 549-Days, et al

SB 558-Klindt

SB 559-Klindt

SB 560-Childers

SB 561-Dolan

SB 562-Griesheimer

SB 563-Shields

SB 564-Gross

SB 565-Goode

SB 566-Cauthorn, et al

SB 567-Steelman

SB 568-Yeckel

SB 569-Yeckel

SB 570-Loudon and Dolan

SB 571-Loudon

SB 572-Dougherty

SB 573-Dougherty

SB 574-Days, et al

SB 575-Kennedy and Coleman

SB 576-Vogel

SB 577-Shields

SB 578-Shields

SB 579-Wheeler

SB 580-Wheeler

SB 581-Clemens

SB 582-Kennedy, et al

SB 583-Nodler

SB 584-Dolan

SB 585-Dolan

SJR 19-Clemens

SJR 20-Bray

SJR 21-Cauthorn

HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al

HCS for HBs 122 & 80

HB 74-St. Onge

HCS for HB 288

HCS for HB 221

HB 254-Byrd

SENATE BILLS FOR PERFECTION

SB 234-Quick

SB 84-Cauthorn and Klindt, with SCS

SB 69-Yeckel, with SCS

SB 34-Loudon

SB 347-Loudon, et al, with SCS

SB 481-Dolan, et al, with SCS

SB 24-Steelman, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott,

with SCS

SB 18-Yeckel and Cauthorn,

with SCS & SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 36-Klindt and Cauthorn, with SCS

SB 51-Shields

SB 112-Loudon, with SCS

SB 217-Champion and Clemens

SB 265-Shields and Scott,

with SCS

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/17

SB 7-Mathewson, with SCS

SB 239-Mathewson and
Scott, with SCS

SB 301-Bray

SB 357-Shields

SB 370-Foster

SB 379-Champion, with SCS

SB 383-Dolan

Reported 2/24

SB 325-Steelman

SB 371-Foster

SB 296-Griesheimer, with SCS

SB 310-Caskey

SB 330-Caskey

SB 401-Dolan, et al

SB 288-Dolan, with SCS

SB 465-Bartle

SB 466-Bartle, with SCS

SB 474-Bartle

SB 203-Bartle

SB 214-Bartle

SBs 212 & 220-Bartle, with SCS

SB 136-Goode

SB 376-Caskey

SB 297-Griesheimer

SB 294-Vogel, with SCS

SB 57-Nodler

SB 142-Goode and Days

SB 186-Cauthorn

SB 218-Goode, et al, with SCS

SB 224-Vogel, with SCS#2

SB 238-Caskey, with SCS

SB 250-Stoll

SB 269-Quick, with SCS

SB 281-Shields, with SCS

SB 391-Shields, et al, with SCS

SB 308-Steelman, with SCS

SB 303-Gibbons, with SCS

SB 317-Stoll and Bray

SB 385-Scott, with SCS

SB 54-Griesheimer

SB 423-Childers

SB 356-Stoll

SB 355-Stoll

SB 227-Cauthorn, with SCS

RESOLUTIONS

To be Referred

SCR 8-Dougherty

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY--WEDNESDAY, FEBRUARY 26, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it." (Abraham Lincoln, 1860)

Gracious God, we see the gathering clouds of war and we pray for peace, but should we engage in battle we pray for strength to be faithful and to that which is right, being mindful of Your call for mercy and compassion to those who are in need. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator DePasco-- 1			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 227, regarding Caryl MacMorran, Carthage, which was adopted.

Senator Loudon offered Senate Resolution No. 228, regarding Flexway Trucking, Incorporated, Hazelwood, which was adopted.

Senator Cauthorn offered Senate Resolution No. 229, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. William E. Ford, Vandalia, which was adopted.

Senator Cauthorn offered Senate Resolution No. 230, regarding Steve Ayers, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 231, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bud Noe, Kirksville, which was adopted.

Senator Nodler offered Senate Resolution No. 232, regarding Claude Blakeley, Neosho, which was adopted.

Senator Vogel offered Senate Resolution No. 233, regarding National TRIO Day, which was adopted.

Senators Days and Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 234

WHEREAS, it is with tremendous pleasure that the members of the Missouri Senate pause in their diverse legislative duties in order to acknowledge a milestone event in the life of longtime area resident, Joe Lonero, of the North County community of Ferguson; and

WHEREAS, Joe Lonero enjoys selection as the first-ever Citizen of the Year by the North County Chamber of Commerce, an award of which he is exceptionally deserving because of his lifetime of unselfish assistance to his neighbors and fellow business persons; and

WHEREAS, dedicated to enlivening the old Ferguson business district, Joe Lonero and his beloved wife, Sue, now own three local businesses, including Lonero Auto Body, the Corner Coffee House, and Vincenzo's Ristorante; and

WHEREAS, originally dilapidated buildings along Florissant Road, the revitalized Corner Coffee House is now operated by Joe Lonero's brother, Tony, while Vincenzo's Ristorante is managed by his youngest son, Mike; and

WHEREAS, the trolley running along Florissant Road with stops at various restaurants and shops was Joe Lonero's idea, as was encouraging Bud and Dorothy Seiter to publish the Ferguson Times; and

WHEREAS, Joe Lonero was the motivating factor behind the construction of the area's gazebo, laying of a brick walk, engineering of a new versa lock wall in front of the Victoria Plaza fountain, and retrieval of the town clock in time for the July 4, 2001, Independence Day celebrations; and

WHEREAS, Joe Lonero has also attained distinction as a McCluer Key Club leader and as a member of Kiwanis, FSBA, FSBD, and Saints John and James Church; and

WHEREAS, Joe Lonero will be presented with his Citizen of the Year award on February 27, 2003, at a special, open-to-the-public event at Norwood Hills Country Club:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, join unanimously to applaud the well-deserved selection of Joe Lonero as the inaugural Citizen of the Year by the North County Chamber of Commerce and to convey to him this legislative body's heartiest congratulations and best wishes for continued personal and professional success for many more years to come; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Joe Lonero of Ferguson, Missouri.

Senator Days, joined by the entire membership of the Senate, offered Senate Resolution No. 235, regarding Senator Mary Groves Bland, which was adopted.

Senator Foster offered Senate Resolution No. 236, regarding Dr. Michael P. Toney, Piedmont, which was adopted.

CONCURRENT RESOLUTIONS

Senators Shields and Gibbons offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

WHEREAS, the use of prescription drugs improves the quality of care and helps patients live healthier, longer, and more productive lives while keeping them out of more costly acute care settings in the long term; and

WHEREAS, the increased use of new and improved prescription drugs has changed the delivery of health care in the United States since Medicare was enacted, and while two-thirds of the Medicare population has some form of prescription drug coverage, although many times inadequate, one-third of Medicare beneficiaries have no coverage at all; and

WHEREAS, Congress did not enact a drug benefit in the Medicare program, therefore the program is inadequate in providing the elderly and disabled the most appropriate drug therapies, preventing the delivery of quality health care at an affordable cost; and

WHEREAS, the private sector provides affordable coverage by negotiating discounts on drugs and meeting the needs of special populations with chronic diseases and those with co-morbidities through coordinating care with disease management, drug utilization review, and patient education programs, all of which aid in ameliorating medical errors; and

WHEREAS, comprehensive reform of the Medicare program would utilize the successful tools of the private sector in coordinating care for this population and use the marketplace to foster competition among private plans, resulting in more choices of quality coverage for seniors and the disabled while maintaining the financial sustainability of the program; and

WHEREAS, the failure of Congress to provide for comprehensive reform of Medicare and the encouraging of states to use their own resources to ease the burden of the elderly and disabled Medicare populations, in effect, result in an unfunded informal mandate on the states; and

WHEREAS, in implementing state programs to assist the Medicare population, state budgetary constraints can often result in requirements to restrict and limit patient access to needed prescription drugs, and the enactment of anti-competitive price controls:

NOW, THEREFORE, BE IT RESOLVED that the members of the Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby request that the United States Congress enact financially sustainable, voluntary, universal, and privately administered out-patient prescription drug coverage as part of the federal Medicare program; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for each member of the Missouri Congressional Delegation.

Senator Bartle offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, the House of Representatives concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninety-second General Assembly, First Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that she has compared the same with the original rolls in her office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninety-second General Assembly, First Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

Senator Bartle requested unanimous consent of the Senate that the rules be suspended and that **SCR 10** be taken up, which request was granted.

Senator Bartle moved that **SCR 10** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Days	Dolan
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll

Vogel	Wheeler	Yeckel--27	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Dougherty	Jacob
Quick--5			
	Absent with leave--Senators		
Clemens	DePasco--2		

Senator Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 11

Relating to the creation of the comprehensive patient education and health care cost improvement pilot project.

WHEREAS, in order to continue to provide improved services to patients in this state, improving patient information regarding elective surgical procedures and their risks and complications is needed; and

WHEREAS, the lack of information regarding surgery, surgical risks, and post surgical complications contributes to patient dissatisfaction, over-utilization of the health care system, malpractice claims, and the rising cost of healthcare; and

WHEREAS, the Department of Health and Senior Services, in conjunction with the Department of Insurance and the University of Missouri-Kansas City Hospitals and Clinics, shall establish the "Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program" which will develop and incorporate effective patient education programs into the preoperative consultation and informed consent process; and

WHEREAS, the Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program shall be implemented no later than six months after funding for the pilot program is made available, and shall have a duration of three years; and

WHEREAS, the Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program shall, prior to the patient consenting to elective surgery:

- (1) Use an educational system that visually explains to the patient in simple terms the entire surgical procedure;
- (2) Fully discloses to the patient in simple terms all known complications and their frequencies based on accepted medical literature;
- (3) Allows the patient access to the education outside the surgeon's office;
- (4) Fully documents the patient education process; and
- (5) Collects outcome data after surgery; and

WHEREAS, the Department of Health and Senior Services shall monitor the pilot program and report to the Director of the Department of Insurance and the General Assembly on the effectiveness of such program by the second week of the regular session of the General Assembly in the next session following completion of the Pilot Program; and

WHEREAS, the report shall include an analysis of the advantages and disadvantages of the patient education process, including but not limited to:

- (1) The effect of the Pilot Program on the reduction of medical malpractice claims;
- (2) Patient satisfaction concerning the education process;
- (3) Doctors' feedback concerning the Pilot Program;
- (4) Total number of surgical procedures performed;
- (5) A comparison of Medicaid dollars spent on relevant surgical procedures versus the previous year and projected year; and
- (6) Suggestions for improving the educational system or its implementation, if any;

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby direct the Department of Health and Senior Services to create the "Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program"; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 586-By Stoll.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to effective involvement by parents and families in support of their children's education.

SB 587-By Stoll.

An Act to repeal section 104.1045, RSMo, and to enact in lieu thereof two new sections relating to public retirement systems.

SB 588-By Stoll.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to public retirement systems.

SB 589-By Shields.

An Act to repeal sections 331.010, 331.030, and 331.050, RSMo, and to enact in lieu thereof four new sections relating to licensing of chiropractors.

SB 590-By Shields.

An Act to repeal section 67.990, RSMo, and to enact in lieu thereof one new section relating to tax levy for services to the elderly.

SB 591-By Shields.

An Act to repeal section 483.015, RSMo, and to enact in lieu thereof one new section relating to appointment of certain circuit clerks.

SB 592-By Foster.

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

SB 593-By Foster and Loudon.

An Act to repeal section 210.145, RSMo, and to enact in lieu thereof one new section relating to hotline calls for foster care, with penalty provisions.

SB 594-By Bray.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to operation of low-speed vehicles on public highways.

SB 595-By Steelman and Wheeler.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the comprehensive patient education and healthcare cost improvement pilot program.

SB 596-By Childers.

An Act to amend chapter 135, RSMo, by adding thereto two new sections relating to a new or expanded business tax credit.

SB 597-By Childers.

An Act to repeal sections 320.094, 321.300, 321.301, and 321.302, RSMo, and to enact in lieu thereof four new sections relating to boundaries of ambulance and fire protection districts.

SB 598-By Childers.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the creation of the Corporal Bobbie J. Harper Memorial Highway.

SB 599-By Childers and Gibbons.

An Act to repeal sections 32.100, 32.105, 32.110, 32.115, 32.117, 32.120, 100.105, 100.710, 100.840, 100.850, 135.220, 135.225, 135.230, 135.235, 135.240, 135.245, 135.247, 135.250, 135.258, 135.313, 135.350, 135.352, 135.355, 135.361, 135.362, 135.363, 135.460, 135.545, 135.750, 253.550, 348.256, 348.261, 620.017, 620.1039, 620.1100, 620.1103, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, 620.1560, section 32.125 as enacted by house substitute for senate bill no. 374, eighty-eighth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, section 135.200, as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no 1656, eighty-ninth general assembly, second regular session, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session, and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session, RSMo, and to enact in lieu thereof forty-two new sections relating to reform of incentive programs in the department of economic development, with effective dates for certain sections.

SB 600-By Jacob.

An Act to repeal sections 317.001, 317.006, 317.011, 317.012, and 317.014, RSMo, and to enact in lieu thereof five new sections relating to ultimate and combative fighting.

SB 601-By Griesheimer and Cauthorn.

An Act to repeal sections 104.374 and 104.610, RSMo, and to enact in lieu thereof two new sections relating to retirement benefits for certain state employees.

SB 602-By Cauthorn.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to taxation on natural gas used in the production of ethanol.

SB 603-By Kennedy and Nodler.

An Act to amend chapter 337, RSMo, by adding thereto eleven new sections relating to the regulation and licensing of

professional addiction counselors, with penalty provisions.

SB 604-By Vogel.

An Act to repeal section 50.343, RSMo, and to enact in lieu thereof one new section relating to compensation for certain county treasurers.

SB 605-By Vogel.

An Act to repeal section 494.425, RSMo, and to enact in lieu thereof one new section relating to disqualification from jury service.

SB 606-By Coleman.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to conveyances of land by the department of natural resources.

SB 607-By Loudon.

An Act to repeal section 288.060, RSMo, and to enact in lieu thereof one new section relating to employment.

SB 608-By Dougherty and Coleman.

An Act to repeal section 701.308, RSMo, relating to lead abatement, and to enact in lieu thereof one new section relating to the same subject.

SB 609-By Scott.

An Act to repeal sections 210.025, 210.110, 210.145, 210.152, 210.183, 210.254, 210.903, 210.909, 211.031, 211.059, 453.110, and 475.024, RSMo, and to enact in lieu thereof twelve new sections relating to protection of children, with penalty provisions.

THIRD READING OF SENATE BILLS

SB 7, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to authorize the governor to convey a tract of land owned by the state in the county of Pettis to the E.W. Thompson State School.

Was called from the Consent Calendar and taken up.

SCS for **SB 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 7

An Act to authorize the governor to convey a tract of land owned by the state in the county of Pettis.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 7** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 7** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Champion	Kennedy	Quick	Stoll--4
Absent with leave--Senators			
Clemens	DePasco--2		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 239, with **SCS**, introduced by Senators Mathewson and Scott, entitled:

An Act to authorize the governor to convey a tract of land owned by the state in the county of Pettis to the Sedalia School District Foundation.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCS for **SB 239**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 239

An Act to authorize the governor to convey a tract of land owned by the state in the county of Pettis.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 239** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 239** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28

	NAYS--Senators
Goode	Gross--2
	Absent--Senators
Quick	Russell--2
	Absent with leave--Senators
Clemens	DePasco--2

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kennedy moved that motion lay on the table, which motion prevailed.

SB 301, introduced by Senator Bray, entitled:

An Act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed to repair lateral sewer service lines.

Was called from the Consent Calendar and taken up.

On motion of Senator Bray, **SB 301** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators		
Clemens	DePasco--2		

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Steelman assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 265**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 265**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 265

An Act to repeal sections 161.092 and 168.021, RSMo, and to enact in lieu thereof two new sections relating to certificates of license to teach.

Was taken up.

Senator Shields moved that **SCS** for **SB 265** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 265**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 265

An Act to repeal sections 161.092 and 168.021, RSMo, and to enact in lieu thereof two new sections relating to certificates of license to teach.

Senator Shields moved that **SS** for **SCS** for **SB 265** be adopted.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 265, Page 5, Section 168.021, Line 28, by deleting the words "on August 28, 2003" on said line and replacing with the words "upon expiration of current certificate".

Senator Shields moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 265, Page 5, Section 168.021, Lines 18-20 of said page, by striking all of the underlined language from said lines; and further amend lines 26-29 of said page, by striking all of said lines and inserting in lieu thereof the following: "**certificate shall be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.**"; and

Further amend said bill and section, page 6, line 21 of said page, by striking the word "two"; and further amend line 23, by inserting immediately after the word "certificate" the following: ", **a renewable professional certificate**"; and

Further amend said bill and section, page 7, line 8 of said page, by inserting immediately after the word "program" the following: "**provided by the school district which shall include annual, performance-based teacher evaluations and participation in a teacher professional development plan**"; and further amend line 9 of said page, by striking the opening bracket "["; and further amend said line, by inserting immediately before the word "or" an opening bracket "["; and further amend said line, by inserting immediately after the word "levels" the following: "] **level**"; and further amend line 11 of said page, by inserting immediately after the word "education" the following: ". **The state board of**

education shall require holders of the four-year, renewable professional certificate to:

(a) Complete at least sixty contact hours of professional development during the renewal period, which may include hours spent in class in an appropriate college curriculum;

(b) Participate in a teacher professional development plan administered by the district; and

(c) Complete four years of teaching under the renewable certificate"; and further amend line 12 of said page, by striking the closing bracket "]""; and further amend line 13 of said page, by striking the opening bracket "["; and further amend line 14 of said page, by striking "its equivalent and ten" and inserting in lieu thereof the following: "**national board certification or an equivalent certification recognized by the state board of education.**"; and further amend said lines 15-19 of said page, by striking all of said lines and inserting in lieu thereof the following: "**The career**"; and further amend line 22 of said page, by striking the opening bracket "[" and the closing bracket "]" from said line; and further amend lines 22-28 of said page, by striking all of the underlined languages from said lines; and

Further amend said bill and section, page 8, lines 1-5 of said page, by striking all of said lines and inserting in lieu thereof the following: "**In order to**".

Senator Caskey moved that the above substitute amendment be adopted, which motion prevailed.

Senator Kennedy offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 265, Page 9, Section 168.021, Line 14 of said page, by inserting after all of said line the following:

"168.071. 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal

counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, RSMo, or murder in the first degree;

(2) Any of the following sexual offenses: rape; statutory rape in the first degree; statutory rape in the second degree; sexual assault; forcible sodomy; statutory sodomy in the first degree; statutory sodomy in the second degree; child molestation in the first degree; child molestation in the second degree; deviate sexual assault; sexual misconduct involving a child; sexual misconduct in the first degree; [or] sexual abuse; **enticement of a child; or attempting to entice a child;**

(3) Any of the following offenses against the family and related offenses: incest; abandonment of child in the first degree; abandonment of child in the second degree; endangering the welfare of a child in the first degree; abuse of a child; child used in a sexual performance; promoting sexual performance by a child; or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree; promoting obscenity in the second degree when the penalty is enhanced to a class D felony; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography in the first degree; possession of child pornography in the second degree; furnishing child pornography to a minor; furnishing pornographic materials to minors; or coercing acceptance of obscene material.

7. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

8. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

9. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

10. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

11. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140, RSMo.

12. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SCS** for **SB 265**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **SB 265**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 13**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 8--Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Gibbons, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 237, regarding Erick Robey, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 238, regarding Chris Ludwell, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 239, regarding Andrew Kleager, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 240, regarding William Jay Difani, St. Louis, which was adopted.

Senator Days offered Senate Resolution No. 241, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. David Bell, which was adopted.

Senator Gibbons offered Senate Resolution No. 242, regarding Ken Aston, Manchester, which was adopted.

Senator Gibbons offered Senate Resolution No. 243, regarding John Jabouri, Fenton, which was adopted.

Senator Gibbons offered Senate Resolution No. 244, regarding Adeline Wider, Fenton, which was adopted.

Senator Quick offered Senate Resolution No. 245, regarding the Liberty Public Schools, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 610-By Yeckel.

An Act to amend chapter 144, RSMo, by adding thereto eleven new sections relating to taxation of controlled substances.

SB 611-By Clemens, Cauthorn, Klindt and Foster.

An Act to repeal section 262.290, RSMo, and to enact in lieu thereof one new section relating to county agricultural and mechanical societies.

SB 612-By Clemens.

An act to amend chapter 91, RSMo, by adding thereto one new section relating to electric utilities.

SB 613-By Shields.

An Act to repeal section 367.052, RSMo, and to enact in lieu thereof one new section relating to a claimant's recovery of property held by a pawn broker.

SB 614-By Shields.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security of temporary employees.

SB 615-By Bartle and Loudon.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to billboards, with penalty provisions.

SB 616-By Nodler.

An Act to repeal section 355.176 as enacted by house substitute for senate bill no. 768, eighty-eighth general assembly, second regular session, and to enact in lieu thereof one new section for the sole purpose of reenacting section 355.176 which was held unconstitutional by the Missouri Supreme Court.

SB 617-By Cauthorn.

An Act to repeal sections 281.240 and 281.260, RSMo, and to enact in lieu thereof three new sections relating to pesticide fees.

SB 618-By Kennedy and Shields.

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to suicide.

SB 619-By Loudon.

An Act to repeal sections 384.043, 384.062, and 384.065, RSMo, and to enact in lieu thereof three new sections relating to surplus lines insurance.

SB 620-By Loudon, Kinder and Days.

An Act to repeal sections 100.710, 100.840, 100.850, and 178.892, RSMo, and to enact in lieu thereof nine new

sections relating to job retention programs in the department of economic development, with contingent expiration dates.

SB 621-By Loudon.

An Act to amend chapter 82, RSMo, by adding thereto one new section relating to removal of nuisances.

SB 622-By Loudon.

An Act to repeal sections 376.810, 376.811, 376.814, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, and 376.840, RSMo, and to enact in lieu thereof three new sections relating to insurance coverage for mental health.

SB 623-By Foster.

An Act to repeal sections 116.175 and 116.190, RSMo, and to enact in lieu thereof two new sections relating to challenges to fiscal notes and fiscal note summaries.

SB 624-By Foster.

An Act to repeal section 210.001, RSMo, and to enact in lieu thereof one new section relating to child assessment centers.

SB 625-By Foster.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to Medicaid reimbursement.

SB 626-By Coleman.

An Act to repeal section 328.110, RSMo, and to enact in lieu thereof one new section relating to barbers' licenses.

SB 627-By Coleman and Kennedy.

An Act to repeal section 86.251, RSMo, and to enact in lieu thereof one new section relating to police retirement plans.

SB 628-By Coleman.

An Act to repeal sections 210.109 and 210.496, RSMo, and to enact in lieu thereof six new sections relating to the Dominic James Memorial Foster Care Reform Act of 2003, with penalty provisions.

SB 629-By Coleman, Dougherty and Kennedy.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to the creation of the more for four program, with an expiration date.

SB 630-By Scott.

An Act to repeal section 643.078, RSMo, and to enact in lieu thereof one new section relating to air operating permits.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 234** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 234, Page 1, Section 64.342, Line 9, by inserting after all of said line the following:

"2. The county commission of any county of the first classification with a population of at least one hundred fifty thousand containing part of a city with a population over three hundred fifty thousand that acquires, in whole or in part, concession stands, marinas and/or ancillary equipment thereto shall compensate the owner or owners at fair market value for such purchase."; and

Further amend by renumbering the remaining subsections accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Quick, **SB 234**, as amended, was declared perfected and ordered printed.

Senator Cauthorn moved that **SB 84**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 84**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 84

An Act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 84** be adopted.

At the request of Senator Cauthorn, **SB 84**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Yeckel moved that **SB 69**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 69**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 69

An Act to amend chapter 620, RSMo, by adding thereto eight new sections relating to small businesses.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 69** be adopted.

At the request of Senator Yeckel, **SB 69**, with **SCS** (pending), was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senators Gibbons, Klindt and Foster submitted the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, a recent report of the Bureau of Justice Statistics, reported there are more than 1.4 million prisoners in the jurisdiction of federal or state adult correctional agencies, and the overall population of those incarcerated exceeds 2.07 million persons; and

WHEREAS, state prisons are operating between full and 15 percent above capacity and federal prisons are operating 31 percent above capacity; and

WHEREAS, in the wake of September 11, states have been charged with homeland safety and are required to more stringently track prisoners and prison populations; and

WHEREAS, while state growth in revenue continues to decline, the Missouri Department of Corrections continues to experience increasing demands through federal and state laws, sentencing guidelines, and recidivism, and is thus facing an increasing prison population; and

WHEREAS, it is in the state's best interest to encourage offender education, vocation, and substance abuse programs, and to include adult basic education/GED preparation, religious programs, wellness, parenting, and life skills programs; and

WHEREAS, both the federal and state government should continue to set forth high standards of service and levels of quality for housing detainees similar to those found in the American Correctional Association (ACA); and

WHEREAS, President George W. Bush, in August, 2002, proposed a federal initiative to institute more e-government, improve financial management with better audit results, initiate performance-based budgeting, reduce middle management, and increase competitive bidding between public and private sections; and

WHEREAS, the state of Missouri through its elected Senators and Representatives is seeking all available remedies to its declining revenues, but demands accountability, performance, low cost, and flexibility in its solutions:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor and the Missouri Department of Corrections to explore the opportunities for public-private partnerships to design, build and/or manage prison facilities, and to monitor inmate populations; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor of Missouri and the Director of the Missouri Department of Corrections.

Senators Nodler and Gibbons submitted the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

Establishing a Subcommittee on Competition and Privatization within the Joint Committee on Legislative Research.

WHEREAS, the current budgetary situation has brought about a heightened necessity to re-examine the state's expenditures; and

WHEREAS, the state performs many functions which are similarly performed by private industry; and

WHEREAS, certain aspects of state administration and services may be more efficiently served by private involvement; and

WHEREAS, the Joint Committee on Legislative Research is established pursuant to the Constitution to carry out the duties assigned to it by law:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, that we hereby create a Subcommittee on Competition and Privatization within the Joint Committee on Legislative Research; and

BE IT FURTHER RESOLVED, the subcommittee shall identify ways to reduce cost to state government and increase quality of state services to the citizens of this state; and

BE IT FURTHER RESOLVED, the subcommittee shall perform both a competition review and privatization review and make recommendations based on its findings; and

BE IT FURTHER RESOLVED that the Subcommittee herein established shall consist of twelve members of which three shall be members of the Senate appointed by the President Pro Tem of the Senate of which at least one shall be from the minority party, three shall be members of the House of Representatives appointed by the Speaker of the House of Representatives of which at least one shall be from the minority party, and six shall be representatives of private businesses of which three shall be appointed by the President Pro Tem of the Senate and three shall be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research shall provide the necessary staff resources for the Subcommittee

from its own staff, although it may choose to call upon the additional resources of the Senate and House Research offices; and

BE IT FURTHER RESOLVED that the subcommittee is authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective provided herein; and

BE IT FURTHER RESOLVED as funding becomes available to the committee, it may employ necessary consulting services to assist in its objectives; and

BE IT FURTHER RESOLVED that the subcommittee shall hold its initial meeting within three months of its formation, and must deliver a report to the Governor, General Assembly, the state Auditor, and the Joint Committee on Legislative Research with its findings and recommendations; and

BE IT FURTHER RESOLVED that the subcommittee shall expire thirty-six months after its initial meeting; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Joint Committee on Legislative Research.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 631-By Bray, Vogel and Goode.

An Act to repeal sections 32.087, 67.576, 67.582, 67.671, 67.678, 67.1545, 67.1775, 67.1959, 94.580, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.046, 144.100, 144.517, 144.625, 144.655, 144.805, 238.235, and 238.410, RSMo, and to enact in lieu thereof twenty-one new sections relating to implementation of the streamlined sales and use tax agreement.

SB 632-By Days.

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

SB 633-By Shields and Kinder.

An Act to repeal section 71.011, RSMo, and to enact in lieu thereof one new section relating to the transfer of land between municipalities, with an expiration date.

SB 634-By Coleman.

An Act to repeal section 162.1100, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

REPORTS OF SELECT COMMITTEES

Senator Gross submitted the Final Report from the Senate Interim Committee on Regional Control of Lambert-St. Louis International Airport. A copy of the report is on file in the office of the Secretary of Senate.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 265**; and **SB 234**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 246, regarding the Eureka High School Football Team, Eureka, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 24, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Public Employee Retirement

Dear Terry:

Pursuant to Section 21.553, RSMo 2002, I am appointing Senator Delbert Scott to the Joint Committee on Public Employee Retirement.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, Doug Watson, Doug Hunt, Shawn Patterson, and Kevin Patterson, Cape Girardeau.

Senator Mathewson introduced to the Senate, Carrie Emde, Karen Hemme, and students from Concordia R-II School, Concordia; and Bobby Gieselman, Mallary Spalding, and Stacy Ratliff were made honorary pages.

Senator Steelman introduced to the Senate, Sherri Slovensky, Jolania Burton, Luke Castler, Allen Adams, Emily Peak, and Lindsey Robinson, Wellsville; and Luke, Allen, Emily, and Lindsey were made honorary pages.

Senator Griesheimer introduced to the Senate, Carol Nowack, Owensville; and Lisa Weiskopf, Karen Largent, Ben and Cheryl McDowell, Billy and Charlene Young, and students representing Show-Me Techknowledge Day from Sullivan Elementary School, Sullivan; and Kathleen Brueggemann, Elizabeth McCormack, Brandon McDowell, and Ginny Young were made honorary pages.

Senator Cauthorn introduced to the Senate, Patty Fisher, Nicki Hoepf, Sarah Shell, Jacob Colbert, Stephanie Shinn, Donna Noris, Nancy Flood, Leanne Spengler, and Glenda Moor, Pike and Putnam Counties.

Senator Russell introduced to the Senate, Kim Bechtold, Pat Pick, and students from Osage Beach Elementary School, Osage Beach; and Julia Lenci and Bradley Simms were made honorary pages.

Senator Champion introduced to the Senate, Melody Blunt, and members of the Springfield Junior League, Springfield.

Senator Stoll introduced to the Senate, Steve and Pat Markus, and Art and Katy Markus, Jefferson County.

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Vivienne Beckett, Adam Burnham, Marcy Clement, Nancy Conover, Nancy Gongaware, Pat Hanley, Joe Hogan, Jan Hooker, Linda Jacobsen, Brad Lambert, Chris Mayes, Tonya McAmis, Tim McCoy, Christa Montgomery, Cindy Morgan, John Mueller, Stephen Phelps, Randy Shields, David Skornia, Karen Stepson, Leona Swank, Rose Mack, Brad Smith, Bruce Sowatsky, and Kevin and Karen DeSain, members of Vision St. Charles County Leadership Group.

Senator Wheeler introduced to the Senate, representatives of the Missouri State Medical Association Alliance.

Senator Loudon introduced to the Senate, Miss Missouri, Tara Bollinger, and Molly McCann, Chesterfield; and Lois Linton, Ballwin.

Senator Wheeler introduced to the Senate, the Physician of the Day, Dr. Fred DeFeo, M.D., Kansas City.

Senator Cauthorn introduced to the Senate, Mary Sobba, Steve Curtis, and Dennis Isgrig, Audrain County; Virgil Woolridge, Boone County; and Nancy Hendrix, Howard County.

Senator Scott introduced to the Senate, Allen Waldo, Lamar.

Senator Kennedy introduced to the Senate, Steve Crain, Farmington.

On behalf of Senators Dolan, Days, and himself, Senator Kennedy introduced to the Senate, Larry, Janelle, and Brittany Wines, Wentzville; Sharon Perkins, St. Louis; and Michael Bretz, St. Ann.

Senator Griesheimer introduced to the Senate, representatives of the Missouri Beer Wholesalers Association from around the state.

Senator Shields introduced to the Senate, Betty Burck and David Blackburn, Riverside.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-NINTH DAY-THURSDAY, FEBRUARY 27, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 413-Steelman, et al

SB 440-Steelman

SB 441-Dougherty

SB 444-Shields and Steelman

SB 463-Gross

SB 473-Stoll

SB 493-Kennedy

SB 497-Yeckel, et al

SB 507-Bray

SB 512-Russell

SB 545-Mathewson

SB 549-Days, et al

SB 558-Klindt

SB 559-Klindt

SB 560-Childers

SB 561-Dolan

SB 562-Griesheimer

SB 563-Shields

SB 564-Gross

SB 565-Goode

SB 566-Cauthorn, et al

SB 567-Steelman

SB 568-Yeckel

SB 569-Yeckel

SB 570-Loudon and Dolan

SB 571-Loudon

SB 572-Dougherty

SB 573-Dougherty

SB 574-Days, et al

SB 575-Kennedy and Coleman

SB 576-Vogel

SB 577-Shields

SB 578-Shields

SB 579-Wheeler

SB 580-Wheeler

SB 581-Clemens

SB 582-Kennedy, et al

SB 583-Nodler

SB 584-Dolan

SB 585-Dolan

SB 586-Stoll

SB 587-Stoll

SB 588-Stoll

SB 589-Shields

SB 590-Shields

SB 591-Shields

SB 592-Foster

SB 593-Foster and Loudon

SB 594-Bray

SB 595-Steelman and Wheeler

SB 596-Childers

SB 597-Childers

SB 598-Childers

SB 599-Childers and Gibbons

SB 600-Jacob

SB 601-Griesheimer and Cauthorn

SB 602-Cauthorn

SB 603-Kennedy and Nodler

SB 604-Vogel

SB 605-Vogel

SB 606-Coleman

SB 607-Loudon

SB 608-Dougherty and Coleman

SB 609-Scott

SB 610-Yeckel

SB 611-Clemens, et al

SB 612-Clemens

SB 613-Shields

SB 614-Shields

SB 615-Bartle and Loudon

SB 616-Nodler

SB 617-Cauthorn

SB 618-Kennedy and Shields

SB 619-Loudon

SB 620-Loudon, et al

SB 621-Loudon

SB 622-Loudon

SB 623-Foster

SB 624-Foster

SB 625-Foster

SB 626-Coleman

SB 627-Coleman and Kennedy

SB 628-Coleman

SB 629-Coleman, et al

SB 630-Scott

SB 631-Bray, et al

SB 632-Days

SB 633-Shields and Kinder

SB 634-Coleman

SJR 19-Clemens

SJR 20-Bray

SJR 21-Cauthorn

HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al

HCS for HBs 122 & 80

HB 74-St. Onge

HCS for HB 288

HCS for HB 221

HB 254-Byrd

THIRD READING OF SENATE BILLS

SS for SB 13-Kinder

SS for SCS for SB 265-Shields

SB 234-Quick

SENATE BILLS FOR PERFECTION

SB 34-Loudon

SB 347-Loudon, et al, with SCS

SB 481-Dolan, et al, with SCS

SB 24-Steelman, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott, with SCS

SB 18-Yeckel and Cauthorn,

with SCS & SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 36-Klindt and Cauthorn, with SCS

SB 51-Shields

SB 69-Yeckel, with SCS

(pending)

SB 84-Cauthorn and Klindt,

with SCS (pending)

SB 112-Loudon, with SCS

SB 217-Champion and Clemens

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/17

SB 357-Shields

SB 370-Foster

SB 379-Champion, with SCS

SB 383-Dolan

Reported 2/24

SB 325-Steelman

SB 371-Foster

SB 296-Griesheimer, with SCS

SB 310-Caskey

SB 330-Caskey

SB 401-Dolan, et al

SB 288-Dolan, with SCS

SB 465-Bartle

SB 466-Bartle, with SCS

SB 474-Bartle

SB 203-Bartle

SB 214-Bartle

SBs 212 & 220-Bartle, with SCS

SB 136-Goode

SB 376-Caskey

SB 297-Griesheimer

SB 294-Vogel, with SCS

SB 57-Nodler

SB 142-Goode and Days

SB 186-Cauthorn

SB 218-Goode, et al, with SCS

SB 224-Vogel, with SCS#2

SB 238-Caskey, with SCS

SB 250-Stoll

SB 269-Quick, with SCS
SB 281-Shields, with SCS
SB 391-Shields, et al, with SCS
SB 308-Steelmann, with SCS
SB 303-Gibbons, with SCS
SB 317-Stoll and Bray
SB 385-Scott, with SCS
SB 54-Griesheimer
SB 423-Childers
SB 356-Stoll
SB 355-Stoll
SB 227-Cauthorn, with SCS

RESOLUTIONS

To be Referred

SCR 9-Shields and Gibbons

SCR 11-Steelmann

SCR 12-Gibbons, et al

SCR 13-Nodler and Gibbons

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-NINTH DAY--THURSDAY, FEBRUARY 27, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"But now abides faith, hope, love, these three; and the greatest of these is love." (I Corinthians 13:13)

Creator God, we acknowledge that faith is the power to live right and love is the right way to live. So we pray this day that we might know and experience that love which passes all understanding and then express it among those You have given us to love in doing what brings joy and produces real happiness everyday. Amen.

The Pledge of Allegiance to the Flag was recited.

President Maxwell assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 247, regarding Zachary Shawn "Zac" Carroll, Rolla, which was adopted.

Senator Steelman offered Senate Resolution No. 248, regarding Michael Patrick Kelly, Rolla, which was adopted.

Senator Scott offered Senate Resolution No. 249, regarding the One Hundredth Birthday of Edna May Fenwick,

Appleton City, which was adopted.

Senators Clemens, Cauthorn, Champion, Childers, Kinder, Loudon, Nodler, Russell, Scott and Steelman offered Senate Resolution No. 250, regarding the Missouri Grocers Association, which was adopted.

Senator Dolan offered Senate Resolution No. 251, regarding Joshua Eric Engberg, Lake St. Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 252, regarding Zachary Richard Palitzsch, O'Fallon, which was adopted.

Senator Dolan offered Senate Resolution No. 253, regarding Matthew Olan Donoho, O'Fallon, which was adopted.

Senator Dolan offered Senate Resolution No. 254, regarding Blaine Alexander Johnson, Lake St. Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 255, regarding Nicholas Daniel Dorris, Lake St. Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 256, regarding Andrew Cortland Sperry, Lake St. Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 257, regarding Joseph Scott Lore, Wentzville, which was adopted.

Senator Dolan offered Senate Resolution No. 258, regarding Andrew Joseph Peetz, Lake St. Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 259, regarding Harrison Hayden Moenster, Lake St. Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 260, regarding Brian George Phipps, Lake St. Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 261, regarding Brandon Devon Murry, Lake St. Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 262, regarding Kieran Christian Piper, Lake St. Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 263, regarding Shawn Lawrence Brummett, Lake St. Louis, which was adopted.

Senator Klindt offered Senate Resolution No. 264, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Billie Joe Ward, Jameson, which was adopted.

Senator Klindt offered Senate Resolution No. 265, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Watson, Barnard, which was adopted.

Senator Klindt offered Senate Resolution No. 266, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin Livengood, Craig, which was adopted.

Senator Klindt offered Senate Resolution No. 267, regarding the One Hundredth Birthday of Matilda "Tilly" Olson, Bethany, which was adopted.

Senator Klindt offered Senate Resolution No. 268, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hobert Fish, Bethany, which was adopted.

Senator Klindt offered Senate Resolution No. 269, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Everly, Bethany, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 635-By Mathewson.

An Act to repeal sections 33.752, 207.060, 302.137, 650.005, and 660.010, RSMo, and to enact in lieu thereof five new sections relating to the reorganization of executive branch departments.

SB 636-By Mathewson.

An Act to repeal sections 288.032, 288.034, 288.036, 288.038, 288.040, 288.050, 288.060, 288.090, 288.100, 288.110, 288.120, and 288.121, RSMo, and to enact in lieu thereof thirteen new sections relating to employment security.

SB 637-By Caskey.

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to lapse of district corporate organization.

SB 638-By Days.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to exempt residential care facilities.

SB 639-By Foster.

An Act to repeal sections 253.545 and 253.550, RSMo, and to enact in lieu thereof two new sections relating to historic preservation.

SB 640-By Foster.

An Act to amend chapter 253, RSMo, by adding thereto two new sections relating to the state historical monuments, memorials, and markers board, with penalty provisions.

SB 641-By Foster.

An Act to repeal sections 162.680 and 162.962, RSMo, and to enact in lieu thereof two new sections relating to special education services.

SB 642-By Foster.

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to inclement weather exceptions for mandatory days of school attendance, with an emergency clause.

SB 643-By Yeckel.

An Act to repeal sections 487.020, 487.030, 487.040, 487.050, 487.100, 487.130, 487.150, and 488.2300, RSMo, and to enact in lieu thereof six new sections relating to family court commissioners.

SB 644-By Kennedy.

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to early childhood special education.

SB 645-By Kennedy.

An Act to repeal sections 86.251, 86.253, and 86.280, RSMo, and to enact in lieu thereof three new sections relating to

police relief and pension systems.

SB 646-By Bray.

An Act to repeal section 130.041, RSMo, and to enact in lieu thereof one new section relating to disclosures of expenditures for and against a candidate.

SB 647-By Bray.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to healthy dietary guidelines for schools.

SB 648-By Shields.

An Act to amend chapter 172, RSMo, by adding thereto three new sections relating to life sciences funding districts, with an emergency clause.

SB 649-By Shields.

An Act to repeal sections 192.016, 453.020, 453.030, and 453.060, RSMo, and to enact in lieu thereof five new sections relating to the Missouri putative father registry.

SB 650-By Jacob.

An Act to repeal sections 174.610 and 174.620, RSMo, and to enact in lieu thereof six new sections relating to certain institutions of higher education.

SB 651-By Steelman, Yeckel, Goode, Dolan, Kennedy, Kinder, Gibbons, Gross and Clemens.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the establishment of an official state grape.

SB 652-By Steelman.

An Act to repeal sections 44.010, 44.032, and 44.100, RSMo, and to enact in lieu thereof three new sections relating to emergency powers.

SB 653-By Steelman.

An Act relating to the possession or use of glass containers within the banks of Missouri's navigable waterways, with penalty provisions.

SB 654-By Steelman.

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to the installation, repair, removal, and closure of petroleum liquid storage systems.

SB 655-By Klindt.

An Act to repeal sections 644.016 and 644.052, RSMo, and to enact in lieu thereof two new sections relating to clean water certification.

SB 656-By Klindt.

An Act to repeal sections 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.740, 640.745, 640.747, 640.750, and 640.755, RSMo, and to enact in lieu thereof sixteen new sections relating to concentrated animal feeding

operations.

SB 657-By Klindt.

An Act to repeal sections 578.405, 578.407, 578.409, and 578.412, RSMo, and to enact in lieu thereof four new sections relating to animal research and production facilities, with penalty provisions.

SB 658-By Cauthorn.

An Act to amend chapter 383, RSMo, by adding thereto eleven new sections relating to Missouri physicians mutual insurance company act.

SB 659-By Cauthorn.

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

SB 660-By Cauthorn.

An Act to repeal sections 34.010, 34.031, 34.032, 34.040, 34.065, 34.070, 34.073, and 34.130, RSMo, and to enact in lieu thereof six new sections relating to state procurement.

SB 661-By Wheeler.

An Act to repeal sections 226.525 and 226.535, RSMo, and to enact in lieu thereof two new sections relating to sign eligibility rights for regionally accredited post-secondary educational facilities.

SB 662-By Wheeler.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to pharmacists tampering with prescription drugs, with penalty provisions.

SB 663-By Dolan and Gross.

An Act to repeal section 41.950, RSMo, and to enact in lieu thereof one new section relating to members of military forces called to active duty.

SB 664-By Childers.

An Act to repeal section 516.105, RSMo, relating to statutes of limitation for medical malpractice, and to enact in lieu thereof one new section relating to the same subject.

SB 665-By Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to obesity.

SB 666-By Bland.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to enrollment option plans.

SB 667-By Bland.

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to sentencing.

SB 668-By Cauthorn and Klindt.

An Act to repeal section 348.432, RSMo, and to enact in lieu thereof one new section relating to new generation

cooperatives.

SB 669-By Dougherty and Gibbons.

An Act to repeal section 537.046, RSMo, and to enact in lieu thereof two new sections relating to statute of limitations.

SB 670-By Dougherty.

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to credit risk scores.

SB 671-By DePasco.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to cigarette retailers.

SB 672-By Coleman.

An Act to repeal section 320.126, RSMo, and to enact in lieu thereof two new sections relating to fireworks, with penalty provisions.

SB 673-By Coleman.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to a vaccination program for first responders in disaster locations, with an emergency clause.

SB 674-By Gross.

An Act to authorize the sale of certain state property.

SB 675-By Gross, Goode, Steelman and Gibbons.

An Act relating to certain special funds, with an emergency clause.

SB 676-By Kennedy.

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to exceptions to mandatory hours of school attendance, with an emergency clause.

SB 677-By Vogel and Russell.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to accelerated depreciation of assets.

SB 678-By Vogel and Russell.

An Act to repeal sections 143.071, 143.431, 143.451, 143.461, and 143.471, RSMo, and to enact in lieu thereof three new sections relating to corporate income tax.

SB 679-By Loudon.

An Act to repeal section 408.040, RSMo, and to enact in lieu thereof one new section relating to interest on certain judgments.

SB 680-By Loudon.

An Act to amend chapter 324, RSMo, by adding thereto nine new sections relating to the powers and duties of the Missouri electrical industry licensing board, with penalty provisions.

SB 681-By Loudon, Klindt, Griesheimer, Yeckel, Gibbons and Kinder.

An Act to repeal section 213.111, RSMo, and to enact in lieu thereof one new section relating to the right to civil action for unlawful discriminatory practices.

SB 682-By Loudon.

An Act to repeal section 211.031, RSMo, and to enact in lieu thereof one new section relating to juvenile officers.

SB 683-By Clemens, Klindt, Cauthorn and Nodler.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to the department of conservation.

SB 684-By Dougherty.

An Act to repeal sections 210.201 and 210.211, RSMo, and to enact in lieu thereof two new sections relating to regulation of child care facilities.

SB 685-By Gibbons, Shields and Dougherty.

An Act to repeal sections 208.152, 208.204, and 211.181, RSMo, and to enact in lieu thereof four new sections relating to a children's mental health service system, with penalty provisions.

SB 686-By Russell.

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to transfers from the capital projects fund to the incidental fund.

SB 687-By Russell, Vogel and Goode.

An Act to repeal sections 143.431 and 143.451, RSMo, and to enact in lieu thereof two new sections relating to corporate income tax.

SB 688-By Russell and Goode.

An Act to repeal sections 143.431, 144.010, 144.030, and 144.190, RSMo, and to enact in lieu thereof five new sections relating to taxation.

SB 689-By Russell and Goode.

An Act to repeal sections 143.225 and 143.261, RSMo, and to enact in lieu thereof one new section relating to the elimination of the withholding discount.

SB 690-By Russell, Vogel and Goode.

An Act to repeal section 351.484, RSMo, and to enact in lieu thereof two new sections relating to tax compliance.

SB 691-By Russell, Vogel and Goode.

An Act to repeal sections 32.057 and 34.040, RSMo, and to enact in lieu thereof two new sections relating to tax compliance, with penalty provisions.

SJR 22-By Klindt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 40 (a), 41, and 43 (b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the department

of conservation.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Donald M. Schneider, as a member of the Northwest Missouri State University Board of Regents;

Also,

Lois L. Reine, as a member of the Board of Examiners for Hearing Instrument Specialists;

Also,

Carol F. Stow, as a member of the Missouri Community Service Commission;

Also,

H. Dwight Douglas and Jane B. Wyman, as members of the Missouri Southern State College Board of Regents;

Also,

J. Richard Franklin, as a member of the Board of Trustees Public School Retirement System;

Also,

Shonagh K. Clements, as a member of the Bi-State Development Agency Board of Commissioners;

Also,

Jeffrey W. Siria, as a member of the Advisory Committee on Lead Poisoning;

Also,

Jacquelyn B. Garrett, as a member of the State Board of Registration for the Health Arts;

Also,

Nadia T. Cavner, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Wayne Mueller, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Dorsey Alan Baumgartner, as a member of the State Mental Health Commission;

Also,

James W. "Jamie" Graham and Owen Lunn, as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Stephen A. Jordan, Ph.D., as a member of the Missouri Head Injury Advisory Council.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 300**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 253**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 207**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 264**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 227**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

THIRD READING OF SENATE BILLS

SB 357, introduced by Senator Shields, entitled:

An Act to repeal section 536.110, RSMo, and to enact in lieu thereof one new section relating to venue in administrative actions involving real property.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 357** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty

Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Mathewson--1			
Absent with leave--Senator DePasco--1			

The President Pro Tem declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Foster moved that motion lay on the table, which motion prevailed.

SB 370, introduced by Senator Foster, entitled:

An Act to repeal section 44.090, RSMo, and to enact in lieu thereof one new section relating to emerging mutual-aid agreements.

Was called from the Consent Calendar and taken up.

Senator Foster requested unanimous consent of the Senate to suspend the rules for the purpose of offering **SA 1**, which request was granted.

Senator Foster offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 370, Page 1, In the Title, Line 3, by striking the word "emerging" and inserting in lieu thereof the word "emergency".

Senator Foster moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Foster, **SB 370**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President Pro Tem declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Champion moved that motion lay on the table, which motion prevailed.

SB 379, with **SCS**, introduced by Senator Champion, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.

Was called from the Consent Calendar and taken up.

SCS for **SB 379**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 379

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.

Was taken up.

Senator Champion moved that **SCS** for **SB 379** be adopted, which motion prevailed.

Senator Shields assumed the Chair.

On motion of Senator Champion, **SCS** for **SB 379** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Dolan moved that motion lay on the table, which motion prevailed.

SB 383, introduced by Senator Dolan, entitled:

An Act to repeal section 59.330, RSMo, and to enact in lieu thereof one new section relating to recording documents.

Was called from the Consent Calendar and taken up.

On motion of Senator Dolan, **SB 383** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SB 13**, introduced by Senator Kinder, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 13

An Act to repeal section 21.750, RSMo, relating to rights of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Kinder, **SS** for **SB 13** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
	NAYS--Senators		
Bland	Bray	Coleman	Days
Dougherty	Jacob	Kennedy	Quick
Wheeler--9			

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SB 265** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 234, introduced by Senator Quick, entitled:

An Act to repeal section 64.342, RSMo, and to enact in lieu thereof one new section relating to park concession stands, with an emergency clause.

Was taken up.

On motion of Senator Quick, **SB 234** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Jacob--1			

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 84**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 84** was again taken up.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 84, Page 7, Section 348.432, Line 70, by inserting at the end of said line the following: "**Any entity acquiring a tax credit issued pursuant to this section and applying such credit to its estimated quarterly taxes pursuant to chapter 148, RSMo, shall not acquire the credit at less than one hundred percent of the amount of the credit issued.**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Cauthorn moved that **SCS** for **SB 84**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 84**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 692-By Klindt, Steelman, Cauthorn, Foster and Clemens.

An Act to amend chapter 99, RSMo, by adding thereto twenty new sections relating to Missouri rural economic stimulus act.

SB 693-By Klindt, Steelman, Gibbons, Foster, Nodler, Cauthorn and Yeckel.

An Act to repeal sections 36.010, 36.020, 36.030, 36.031, 36.040, 36.050, 36.060, 36.080, 36.090, 36.150, 36.160, 36.170, 36.240, 36.390, 36.420, 36.430, 36.460, and 36.500, RSMo, and to enact in lieu thereof twenty-one new sections relating to state employee work incentives, with penalty provisions.

SB 694-By Klindt.

An Act to repeal section 49.310, RSMo, and to enact in lieu thereof one new section relating to locations of jails in certain counties.

SB 695-By Goode and Russell.

An Act to repeal sections 167.600, 167.603, 167.606, 167.609, 167.611, 167.614, 167.617, 167.619, 167.621, 191.831, 198.401, 208.030, 208.043, 208.151, 208.152, 208.153, 208.162, 208.166, 208.168, 208.201, 208.204, 208.215, 208.453, 208.631, 208.633, 208.636, 208.640, 208.643, 208.646, 208.650, 208.655, 208.657, 630.005, 660.026, and 660.075, RSMo, and to enact in lieu thereof thirty-five new sections relating to medical services and eligibility.

SB 696-By Coleman.

An Act to amend chapter 454, RSMo, by adding thereto three new sections relating to Child Support Responsibility Act.

SB 697-By Nodler, Loudon, Childers, Coleman, Bray, Dolan, Cauthorn, Russell, Clemens, Gross, Steelman, Jacob, Champion, Days, Bartle, Kennedy, Klindt, Wheeler, Scott and Gibbons.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the George Washington Carver Memorial Highway.

SB 698-By Russell.

An Act to amend chapter 407, RSMo, by adding thereto two new sections relating to crib safety, with penalty provisions.

SB 699-By Russell.

An Act to repeal sections 163.031 and 163.036, RSMo, and to enact in lieu thereof two new sections relating to state aid to the public schools of this state.

SJR 23-By Coleman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 4 and 6 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to minimum age requirements for members of the general assembly.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 321**, entitled:

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.210, 287.390, 287.610, 287.690, 287.715, and 287.800, RSMo, and to enact in lieu thereof eleven new sections relating to workers' compensation law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 73**, entitled:

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof thirteen new sections relating to higher education savings programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 412**, entitled:

An Act to amend chapter 130, RSMo, by adding thereto two new sections relating to gubernatorial inaugural committees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 390**, entitled:

An Act to amend chapter 334, RSMo, by adding thereto sixteen new sections relating to anesthesiologist assistants, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, representatives of Boys' and Girls' State of Missouri from St. James, St. Louis, Springfield, and Columbia.

Senator Dolan introduced to the Senate, the Physician of the Day, Dr. Del Moeller, M.D., Lake St. Louis.

Senator Bland introduced to the Senate, Captain Sidney Clark, Jr., Washington, D.C.

Senator Dougherty introduced to the Senate, Brittney Dyson, Ty Juan Lewis, Deron Miller, Sharnice Johnson, Harriette Hamilton, and Jimmie Irons, Farragut Elementary School, St. Louis; and Brittney, Ty Juan, Deron, and Sharnice were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, March 3, 2003.

SENATE CALENDAR

THIRTIETH DAY-MONDAY, MARCH 3, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 413-Steelman, et al

SB 440-Steelman

SB 441-Dougherty

SB 444-Shields and Steelman

SB 463-Gross

SB 473-Stoll

SB 493-Kennedy

SB 497-Yeckel, et al

SB 507-Bray

SB 512-Russell

SB 545-Mathewson

SB 549-Days, et al

SB 558-Klindt

SB 559-Klindt

SB 560-Childers

SB 561-Dolan

SB 562-Griesheimer

SB 563-Shields

SB 564-Gross

SB 565-Goode

SB 566-Cauthorn, et al

SB 567-Steelman

SB 568-Yeckel

SB 569-Yeckel

SB 570-Loudon and Dolan

SB 571-Loudon

SB 572-Dougherty

SB 573-Dougherty

SB 574-Days, et al

SB 575-Kennedy and Coleman

SB 576-Vogel

SB 577-Shields

SB 578-Shields

SB 579-Wheeler

SB 580-Wheeler

SB 581-Clemens

SB 582-Kennedy, et al

SB 583-Nodler

SB 584-Dolan

SB 585-Dolan

SB 586-Stoll

SB 587-Stoll

SB 588-Stoll

SB 589-Shields

SB 590-Shields

SB 591-Shields

SB 592-Foster

SB 593-Foster and Loudon

SB 594-Bray

SB 595-Steelman and Wheeler

SB 596-Childers

SB 597-Childers

SB 598-Childers and Nodler

SB 599-Childers and Gibbons

SB 600-Jacob

SB 601-Griesheimer and

Cauthorn

SB 602-Cauthorn

SB 603-Kennedy and Nodler

SB 604-Vogel

SB 605-Vogel

SB 606-Coleman

SB 607-Loudon

SB 608-Dougherty and Coleman

SB 609-Scott

SB 610-Yeckel

SB 611-Clemens, et al

SB 612-Clemens

SB 613-Shields

SB 614-Shields

SB 615-Bartle and Loudon

SB 616-Nodler

SB 617-Cauthorn

SB 618-Kennedy and Shields

SB 619-Loudon

SB 620-Loudon, et al

SB 621-Loudon

SB 622-Loudon

SB 623-Foster

SB 624-Foster

SB 625-Foster

SB 626-Coleman

SB 627-Coleman and Kennedy

SB 628-Coleman

SB 629-Coleman, et al

SB 630-Scott

SB 631-Bray, et al

SB 632-Days

SB 633-Shields and Kinder

SB 634-Coleman

SB 635-Mathewson

SB 636-Mathewson

SB 637-Caskey

SB 638-Days

SB 639-Foster

SB 640-Foster

SB 641-Foster

SB 642-Foster

SB 643-Yeckel

SB 644-Kennedy

SB 645-Kennedy

SB 646-Bray

SB 647-Bray

SB 648-Shields

SB 649-Shields

SB 650-Jacob

SB 651-Steelman, et al

SB 652-Steelman

SB 653-Steelman

SB 654-Steelman

SB 655-Klindt

SB 656-Klindt

SB 657-Klindt

SB 658-Cauthorn

SB 659-Cauthorn

SB 660-Cauthorn

SB 661-Wheeler

SB 662-Wheeler

SB 663-Dolan and Gross

SB 664-Childers

SB 665-Bland

SB 666-Bland

SB 667-Bland

SB 668-Cauthorn and Klindt

SB 669-Dougherty and

Gibbons

SB 670-Dougherty

SB 671-DePasco

SB 672-Coleman

SB 673-Coleman

SB 674-Gross

SB 675-Gross, et al

SB 676-Kennedy

SB 677-Vogel and Russell

SB 678-Vogel and Russell

SB 679-Loudon

SB 680-Loudon

SB 681-Loudon, et al

SB 682-Loudon

SB 683-Clemens, et al

SB 684-Dougherty

SB 685-Gibbons, et al

SB 686-Russell

SB 687-Russell, et al

SB 688-Russell and Goode

SB 689-Russell and Goode

SB 690-Russell, et al

SB 691-Russell, et al

SB 692-Klindt, et al

SB 693-Klindt, et al

SB 694-Klindt

SB 695-Goode and Russell

SB 696-Coleman

SB 697-Nodler, et al

SB 698-Russell

SB 699-Russell

SJR 19-Clemens

SJR 20-Bray

SJR 21-Cauthorn

SJR 22-Klindt

SJR 23-Coleman

HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al

HCS for HBs 122 & 80

HB 74-St. Onge

HCS for HB 288

HCS for HB 221

HB 254-Byrd

HS for HCS for HB 321-

Wilson (130)

HCS for HB 73

HB 412-Goodman, et al

HCS for HB 390

THIRD READING OF SENATE BILLS

SS for SCS for SB 265-Shields

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 34-Loudon

SB 347-Loudon, et al, with SCS

SB 481-Dolan, et al, with SCS

SB 24-Steelman, with SCS

SB 300-Cauthorn, et al, with SCS

SB 253-Steelman, et al, with SCS

SB 207-Mathewson

SB 264-Shields, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott,
with SCS

SB 18-Yeckel and Cauthorn,
with SCS & SS for SCS
(pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 36-Klindt and Cauthorn, with SCS

SB 51-Shields

SB 69-Yeckel and Nodler,
with SCS (pending)

SB 112-Loudon, with SCS

SB 217-Champion and
Clemens

SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 325-Steelman

SB 371-Foster

SB 296-Griesheimer, with SCS

SB 310-Caskey

SB 330-Caskey

SB 401-Dolan, et al

SB 288-Dolan, with SCS

SB 465-Bartle

SB 466-Bartle, with SCS

SB 474-Bartle

SB 203-Bartle

SB 214-Bartle

SBs 212 & 220-Bartle, with SCS

SB 136-Goode

SB 376-Caskey

SB 297-Griesheimer

SB 294-Vogel, with SCS

SB 57-Nodler

SB 142-Goode and Days

SB 186-Cauthorn

SB 218-Goode, et al, with SCS

SB 224-Vogel, with SCS#2

SB 238-Caskey, with SCS

SB 250-Stoll

SB 269-Quick, with SCS

SB 281-Shields, with SCS

SB 391-Shields, et al, with SCS

SB 308-Steelman, with SCS

SB 303-Gibbons, with SCS

SB 317-Stoll and Bray

SB 385-Scott, with SCS

SB 54-Griesheimer

SB 423-Childers

SB 356-Stoll

SB 355-Stoll

RESOLUTIONS

To be Referred

SCR 9-Shields and Gibbons

SCR 11-Steelman

SCR 12-Gibbons, et al

SCR 13-Nodler and Gibbons

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

THIRTIETH DAY--MONDAY, MARCH 3, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord watch between you and me, when we are absent one from the other." (Genesis 31:49)

Gracious God, we trust that You will care for us and watch over those we love that we left to come and do our work here. Guide us along correct pathways and grant us the gift of making good decisions and confidence, as we are required to make decisions that affect the lives of others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 27, 2003, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Scott offered Senate Resolution No. 270, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Frank Bean, Hermitage, which was adopted.

Senator Yeckel offered Senate Resolution No. 271, regarding Roseann Bentley, Springfield, which was adopted.

Senator Wheeler offered Senate Resolution No. 272, regarding Nicole Downs, Kansas City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 273, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Eugene Meinhardt, Kahoka, which was adopted.

Senator Vogel offered Senate Resolution No. 274, regarding Lynn A. Luebbering, Jefferson City, which was adopted.

Senator Stoll offered Senate Resolution No. 275, regarding Joseph Terrence "Joe" Hagerty, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 276, regarding Edward William Graef, Jr., Imperial, which was adopted.

Senator Stoll offered Senate Resolution No. 277, regarding Jeffrey Brian Thurman, Arnold, which was adopted.

Senator Stoll offered Senate Resolution No. 278, regarding David Ralph Harris, Imperial, which was adopted.

Senator Stoll offered Senate Resolution No. 279, regarding Nicholas Louis Schumacher, Imperial, which was adopted.

Senator Stoll offered Senate Resolution No. 280, regarding Ryan D. Graves, Festus, which was adopted.

Senator Kennedy offered Senate Resolution No. 281, regarding Brian King, St. Louis, which was adopted.

Senator Cauthorn offered Senate Resolution No. 282, regarding Austin Howe, Palmyra, which was adopted.

Senator Shields offered Senate Resolution No. 283, regarding Charles Michael "Charlie" Pedersen, St. Joseph, which was adopted.

Senator Gibbons offered Senate Resolution No. 284, regarding John Jabouri, Fenton, which was adopted.

Senator Kennedy offered Senate Resolution No. 285, regarding Roger R. True, Richland, Washington, which was adopted.

Senator Kennedy offered Senate Resolution No. 286, regarding Peggy Austin, Potosi, which was adopted.

Senator Foster offered Senate Resolution No. 287, regarding Jill Darnell, Malden, which was adopted.

Senator Foster offered Senate Resolution No. 288, regarding Patricia Morehead, Malden, which was adopted.

Senator Gross offered Senate Resolution No. 289, regarding Aurita Bruns, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 290, regarding Ardis Pipkin, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 291, regarding Esther Angelos, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 292, regarding Jeff T. Van Booven, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 293, regarding Dave Molitor, which was adopted.

Senator Gross offered Senate Resolution No. 294, regarding Don Gregory, which was adopted.

Senator Gross offered Senate Resolution No. 295, regarding Karen Putnam, which was adopted.

Senator Gross offered Senate Resolution No. 296, regarding Donnie Meyer, which was adopted.

Senator Gross offered Senate Resolution No. 297, regarding Richard Altis, which was adopted.

Senator Gross offered Senate Resolution No. 298, regarding William C. (Bill) Orf, which was adopted.

Senator Gross offered Senate Resolution No. 299, regarding Rick Kavanagh, which was adopted.

Senator Gross offered Senate Resolution No. 300, regarding Robert Scott, which was adopted.

Senator Gross offered Senate Resolution No. 301, regarding Gary Presson, which was adopted.

Senator Gross offered Senate Resolution No. 302, regarding Melvin Richardson, which was adopted.

Senator Gross offered Senate Resolution No. 303, regarding John Ronald Haas, which was adopted.

Senator Gross offered Senate Resolution No. 304, regarding Joseph L. Wolf, which was adopted.

Senator Cauthorn offered Senate Resolution No. 305, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Lay, Lewistown, which was adopted.

THIRD READING OF SENATE BILLS

SB 325, introduced by Senator Steelman, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to mandatory assembly for Veterans Day.

Was called from the Consent Calendar and taken up.

On motion of Senator Steelman, **SB 325** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Russell	Shields
Stelman	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Dougherty	Quick	Stoll--3	
Absent with leave--Senators			
DePasco	Loudon	Scott--3	

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Foster moved that motion lay on the table, which motion prevailed.

SB 371, introduced by Senator Foster, entitled:

An Act to repeal sections 173.355 and 173.385, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education loan authority.

Was called from the Consent Calendar and taken up.

On motion of Senator Foster, **SB 371** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Kinder Stoll--2

Absent with leave--Senators

DePasco Loudon Scott--3

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

SB 296, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to repeal section 161.092, RSMo, and to enact in lieu thereof one new section relating to the Missouri school improvement program.

Was called from the Consent Calendar and taken up.

SCS for **SB 296**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 296

An Act to repeal section 161.092, RSMo, and to enact in lieu thereof one new section relating to the Missouri school improvement program.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 296** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 296** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Russell--1		

Absent with leave--Senators
DePasco Loudon Scott--3

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 310, introduced by Senator Caskey, entitled:

An Act to repeal sections 347.700, 347.720, 358.150, 358.520, and 359.165, RSMo, and to enact in lieu thereof five new sections relating to business organizations.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 310** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SB 330** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 401, introduced by Senator Dolan, et al, entitled:

An Act to repeal section 595.010, RSMo, and to enact in lieu thereof one new section relating to the sole purpose of modifying the definition of crime in chapter 595, RSMo.

Was called from the Consent Calendar and taken up by Senator Dolan.

On motion of Senator Dolan, **SB 401** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

The Senate observed a moment of silent prayer in observance of the National Day of Prayer.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 456**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 478**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 426**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 321**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to

which was referred **SB 327**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 496**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 388**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 237**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 421**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 202**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 175**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 52**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute No. 2, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 309**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 36**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which

motion prevailed.

SCS for **SB 36**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 36

An Act to repeal section 640.010, RSMo, and to enact in lieu thereof four new sections relating to environmental regulation.

Was taken up.

Senator Klindt moved that **SCS** for **SB 36** be adopted.

Senator Klindt offered **SS** for **SCS** for **SB 36**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 36

An Act to repeal section 640.010, RSMo, and to enact in lieu thereof four new sections relating to environmental regulation.

Senator Klindt moved that **SS** for **SCS** for **SB 36** be adopted.

Senator Wheeler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 8, Section 640.016, Line 9, by inserting immediately after the word "harm" the following: "**or potential harm**".

Senator Wheeler moved that the above amendment be adopted, which motion failed.

Senator Goode offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 7, Section 640.014, Line 25 of said page, by inserting after all of said line the following:

"8. The provisions of this section shall not be effective with respect to any particular rule until such time as the general assembly appropriates funds necessary to conduct the regulatory impact report required in this section."

Senator Goode moved that the above amendment be adopted.

Senator Childers assumed the Chair.

Senator Shields assumed the Chair.

Senator Steelman offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 7, Section 640.014, Line 25 of said page, by inserting after all of said line the following:

"8. The provisions of this section shall not be effective with respect to any particular rule until such time as the general assembly appropriates funds necessary to conduct the regulatory impact report required in this section and no new rule shall be promulgated until the business or entity that is being regulated by said rule has the resources to pay for the implementation of the rule."

Senator Steelman moved that the above substitute amendment be adopted.

At the request of Senator Steelman, **SSA 1** for **SA 2** was withdrawn.

SA 2 was again taken up.

At the request of Senator Klindt, **SB 36**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Champion moved that **SB 217** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Jacob offered **SS** for **SB 217**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 217

An Act relating to state institutions of higher education.

Senator Jacob moved that **SS** for **SB 217** be adopted.

At the request of Senator Champion, **SB 217**, with **SS** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SCR 9** and **SCR 12** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following Concurrent Resolutions were read the 2nd time and referred to the Committees indicated:

SCR 11--Rules, Joint Rules, Resolutions and Ethics.

SCR 13--Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 185--Pensions and General Laws.

HB 198--Judiciary and Civil and Criminal Jurisprudence.

HCS for HBs 122 and 80--Transportation.

HB 74--Small Business, Insurance and Industrial Relations.

HCS for HB 221--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

HB 254--Pensions and General Laws.

HS for HCS for HB 321--Small Business, Insurance and Industrial Relations.

HCS for HB 73--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 412--Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 413--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 440--Economic Development, Tourism and Local Government.

SB 441--Ways and Means.

SB 444--Aging, Families, Mental and Public Health.

SB 463--Pensions and General Laws.

SB 473--Economic Development, Tourism and Local Government.

SB 493--Aging, Families, Mental and Public Health.

SB 507--Education.

SB 512--Ways and Means.

SB 545--Small Business, Insurance and Industrial Relations.

SB 549--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 558--Judiciary and Civil and Criminal Jurisprudence.

SB 559--Transportation.

SB 560--Commerce and the Environment.

SB 561--Small Business, Insurance and Industrial Relations.

SB 562--Economic Development, Tourism and Local Government.

SB 563--Judiciary and Civil and Criminal Jurisprudence.

SB 564--Pensions and General Laws.

SB 565--Ways and Means.

SB 566--Agriculture, Conservation, Parks and Natural Resources.

SB 567--Commerce and the Environment.

SB 568--Transportation.

SB 569--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 570--Transportation.

SB 571--Aging, Families, Mental and Public Health.

SB 572--Education.

SB 574--Education.

SB 575--Economic Development, Tourism and Local Government.

SB 576--Economic Development, Tourism and Local Government.

SB 577--Economic Development, Tourism and Local Government.

SB 578--Economic Development, Tourism and Local Government.

SB 579--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 580--Small Business, Insurance and Industrial Relations.

SB 581--Transportation.

SB 582--Education.

SB 583--Ways and Means.

SB 584--Judiciary and Civil and Criminal Jurisprudence.

SB 585--Education.

SB 586--Education.

SB 587--Pensions and General Laws.

SB 588--Pensions and General Laws.

SB 589--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 590--Economic Development, Tourism and Local Government.

SB 591--Judiciary and Civil and Criminal Jurisprudence.

SB 592--Economic Development, Tourism and Local Government.

SB 593--Aging, Families, Mental and Public Health.

SB 594--Transportation.

SB 595--Aging, Families, Mental and Public Health.

SB 596--Ways and Means.

SB 597--Economic Development, Tourism and Local Government.

SB 598--Transportation.

SB 601--Pensions and General Laws.

SB 603--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 604--Economic Development, Tourism and Local Government.

SB 605--Judiciary and Civil and Criminal Jurisprudence.

SB 606--Agriculture, Conservation, Parks and Natural Resources.

SB 607--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 608--Aging, Families, Mental and Public Health.

SB 609--Aging, Families, Mental and Public Health.

SB 610--Ways and Means.

SB 611--Agriculture, Conservation, Parks and Natural Resources.

SB 612--Commerce and the Environment.

SB 613--Commerce and the Environment.

SB 614--Small Business, Insurance and Industrial Relations.

SB 615--Transportation.

SB 616--Judiciary and Civil and Criminal Jurisprudence.

SB 617--Agriculture, Conservation, Parks and Natural Resources.

SB 618--Aging, Families, Mental and Public Health.

SB 619--Small Business, Insurance and Industrial Relations.

SB 620--Economic Development, Tourism and Local Government.

SB 621--Economic Development, Tourism and Local Government.

SB 622--Small Business, Insurance and Industrial Relations.

SB 623--Governmental Accountability and Fiscal Oversight.

SB 624--Aging, Families, Mental and Public Health.

SB 625--Aging, Families, Mental and Public Health.

SB 626--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 627--Pensions and General Laws.

SB 628--Aging, Families, Mental and Public Health.

SB 629--Education.

SB 630--Commerce and the Environment.

SB 631--Ways and Means.

SB 632--Education.

SB 634--Ways and Means.

SB 637--Education.

SB 638--Aging, Families, Mental and Public Health.

SB 639--Ways and Means.

SB 641--Education.

SB 642--Education.

SB 644--Education.

SB 651--Agriculture, Conservation, Parks and Natural Resources.

SB 666--Education.

SB 667--Judiciary and Civil and Criminal Jurisprudence.

SB 672--Economic Development, Tourism and Local Government.

SB 673--Aging, Families, Mental and Public Health.

SB 676--Education.

SB 682--Judiciary and Civil and Criminal Jurisprudence.

SB 692--Economic Development, Tourism and Local Government.

SB 697--Transportation.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 14**, entitled:

An Act to appropriate money for the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 91**, entitled:

An Act to repeal sections 50.550, 558.019, and 559.021, RSMo, and to enact in lieu thereof four new sections relating to county crime reduction funds, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 273**, entitled:

An Act to repeal sections 105.711, 258.100, 307.178, 430.225, 508.010, 508.040, 508.120, 510.263, 512.080, 514.060, 516.105, 516.170, 537.067, 538.205, 538.210 and 538.225, RSMo, and to enact in lieu thereof twenty-eight new sections relating to claims for damages for injuries to the person.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 28, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael Ricardo Brown, 6807 Fairlane Drive, Kansas City, Jackson County, Missouri 64134, as a public member of the Missouri Real Estate Commission, for a term ending August 16, 2007, and until his successor is duly appointed and qualified; vice, Craig Lowther, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 28, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sam Burton, Ph.D., 4030 County Road 13848, Post Office Box 371, Rolla, Phelps County, Missouri 65402, as a member of the Children's Trust Fund Board, for a term ending September 15, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 28, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

K. Sue Rourk King, Democrat, 11100 Wyandotte Court, Kansas City, Jackson County, Missouri 64114, as a member of the State Fair Commission, for a term ending December 29, 2006, and until her successor is duly appointed and qualified; vice, M. Sean McGinnis, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 28, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William A. Markland, 103 West Seminary, Armstrong, Howard County, Missouri 65230, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 28, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Alyssa L. Person, 6244 Oakland Avenue #306, St Louis City, Missouri 63139, as a member of the State Committee for Social Workers, for a term ending October 2, 2004, and until her successor is duly appointed and qualified; vice, Mary Dunlap, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 15**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute No. 2, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 84**, begs leave to report that it

has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Steelman introduced to the Senate, Andrew Hagni, Rachel Hawley, and Christine Schmidgall, Rolla.

Senator Kennedy introduced to the Senate, Matt Belter, Michael Schmidt, and Lester Colz, St. Louis; and Robert Lord, Bloomsdale.

Senator Jacob introduced to the Senate, Joe Kelly, Columbia; and Joe was made an honorary page.

Senator Kennedy introduced to the Senate, Sheryl Davenport, and representatives of St. Louis Teacher's Union Local 420.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIRST DAY-TUESDAY, MARCH 4, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 497-Yeckel, et al

SB 573-Dougherty

SB 599-Childers and Gibbons

SB 600-Jacob

SB 602-Cauthorn

SB 633-Shields and Kinder

SB 635-Mathewson

SB 636-Mathewson

SB 640-Foster

SB 643-Yeckel

SB 645-Kennedy

SB 646-Bray

SB 647-Bray

SB 648-Shields

SB 649-Shields

SB 650-Jacob

SB 652-Steelman

SB 653-Steelman

SB 654-Steelman

SB 655-Klindt

SB 656-Klindt

SB 657-Klindt

SB 658-Cauthorn

SB 659-Cauthorn

SB 660-Cauthorn

SB 661-Wheeler

SB 662-Wheeler

SB 663-Dolan and Gross

SB 664-Childers

SB 665-Bland

SB 668-Cauthorn and Klindt

SB 669-Dougherty and Gibbons

SB 670-Dougherty

SB 671-DePasco

SB 674-Gross

SB 675-Gross, et al

SB 677-Vogel and Russell

SB 678-Vogel and Russell

SB 679-Loudon

SB 680-Loudon

SB 681-Loudon, et al

SB 683-Clemens, et al

SB 684-Dougherty

SB 685-Gibbons, et al

SB 686-Russell

SB 687-Russell, et al

SB 688-Russell and Goode

SB 689-Russell and Goode

SB 690-Russell, et al

SB 691-Russell, et al

SB 693-Klindt, et al

SB 694-Klindt

SB 695-Goode and Russell

SB 696-Coleman

SB 698-Russell

SB 699-Russell

SJR 19-Clemens

SJR 20-Bray

SJR 21-Cauthorn

SJR 22-Klindt

SJR 23-Coleman

HOUSE BILLS ON SECOND READING

HCS for HB 288

HCS for HB 390

HCS for HB 14

HB 91-Mayer

HCS for HB 273

THIRD READING OF SENATE BILLS

SS for SCS for SB 265-Shields

(In Fiscal Oversight)

SCS for SB 84-Cauthorn and

Klindt

SENATE BILLS FOR PERFECTION

SB 34-Loudon

SB 347-Loudon, et al, with SCS

SB 481-Dolan, et al, with SCS

SB 24-Steelman, with SCS

SB 300-Cauthorn, et al, with SCS

SB 253-Steelman, et al,

with SCS

SB 207-Mathewson

SB 264-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 15, with SCS

(Russell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott, with SCS

SB 18-Yeckel and Cauthorn,

with SCS & SS for SCS

(pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 36-Klindt and Cauthorn,
with SCS, SS for SCS
& SA 2 (pending)

SB 51-Shields

SB 69-Yeckel and Nodler,
with SCS (pending)

SB 112-Loudon, with SCS

SB 217-Champion and
Clemens, with SS (pending)

SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 330-Caskey

(In Fiscal Oversight)

SB 288-Dolan, with SCS

SB 465-Bartle

SB 466-Bartle, with SCS

SB 474-Bartle

SB 203-Bartle

SB 214-Bartle

SBs 212 & 220-Bartle, with SCS

SB 136-Goode

SB 376-Caskey

SB 297-Griesheimer

SB 294-Vogel, with SCS

SB 57-Nodler

SB 142-Goode and Days

SB 186-Cauthorn

SB 218-Goode, et al, with SCS

SB 224-Vogel, with SCS#2

SB 238-Caskey, with SCS

SB 250-Stoll

SB 269-Quick, with SCS

SB 281-Shields, with SCS

SB 391-Shields, et al, with SCS

SB 308-Steelman, with SCS

SB 303-Gibbons, with SCS

SB 317-Stoll and Bray

SB 385-Scott, with SCS

SB 54-Griesheimer

SB 423-Childers

SB 356-Stoll

SB 355-Stoll

Reported 3/3

SB 456-Kennedy, et al

SB 478-Gross, with SCS

SB 426-Griesheimer

SB 321-Days

SB 327-Gross and Mathewson

SB 496-Yeckel

SB 388-Klindt, et al

SB 237-Russell, et al, with SCS

SB 421-Mathewson, with SCS

SB 202-Childers, with SCS

SB 175-Loudon

SB 52-Shields, with SCS#2

SB 309-Caskey

SB 1-Russell, with SCS#2

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY--TUESDAY, MARCH 4, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"They are waterless clouds carried along by the winds: autumn trees without fruit, twice dead, uprooted." (Jude 12b)

Heavenly Father, there is often a maze of voices and choices that want to influence us and confuse our lives; so we pray for Your wisdom to help us choose wise counselors and walk along right pathways as is in keeping with Your will for us. And we pray for Kim Green, that You will touch his heart with Your healing power and that it will flow into every cell in his body, bringing him to health and wholeness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 306, regarding Ginger Priest, which was adopted.

THIRD READING OF SENATE BILLS

SB 288, with SCS, introduced by Senator Dolan, entitled:

An Act to repeal section 447.040, RSMo, and to enact in lieu thereof one new section relating to lost and found property.

Was called from the Consent Calendar and taken up.

SCS for **SB 288**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 288

An Act to repeal section 447.040, RSMo, and to enact in lieu thereof one new section relating to lost and found property.

Was taken up.

Senator Dolan moved that **SCS** for **SB 288** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SB 288** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senator Stoll--1

Absent with leave--Senators

Bland	DePasco--2
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The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

SB 465, introduced by Senator Bartle, entitled:

An Act to repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to annual reports of the judicial finance commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 465** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt

Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Stoll--1		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 466, with **SCS**, introduced by Senator Bartle, entitled:

An Act to repeal sections 57.290, 67.133, and 488.5320, RSMo, and to enact in lieu thereof two new sections relating to charges in criminal cases.

Was called from the Consent Calendar and taken up.

SCS for **SB 466**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 466

An Act to repeal sections 57.290, 67.133, 488.4014, and 488.5320, RSMo, and to enact in lieu thereof three new sections relating to charges in criminal cases.

Was taken up.

Senator Bartle moved that **SCS** for **SB 466** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 466** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 474, introduced by Senator Bartle, entitled:

An Act to repeal section 488.426, RSMo, and to enact in lieu thereof one new section relating to surcharges in civil case filings.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 474** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Shields
Steelman	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Dolan	Russell	Scott	Stoll--4
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 203, introduced by Senator Bartle, entitled:

An Act to repeal section 536.077, RSMo, and to enact in lieu thereof one new section relating to administrative subpoenas.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 203** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott

Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Klindt--2		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 214, introduced by Senator Bartle, entitled:

An Act to repeal sections 488.032 and 491.280, RSMo, and to enact in lieu thereof two new sections relating to witness fees.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 214** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Dolan--1		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 212, introduced by Senator Bartle, and **SB 220**, introduced by Senator Bartle, with **SCS**, entitled respectively:

An Act to repeal sections 86.370, 86.398, 86.447, 86.600, 86.671, and 86.745, RSMo, and to enact in lieu thereof eight new sections relating to police relief and pension systems.

An Act to repeal sections 86.393, 86.407, and 86.720, RSMo, and to enact in lieu thereof five new sections relating to

police relief and pension systems.

Were called from the Consent Calendar and taken up by Senator Bartle.

SCS for **SBs 212** and **220**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 212 and 220

An Act to repeal sections 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.720, and 86.745, RSMo, and to enact in lieu thereof thirteen new sections relating to police relief and pension systems.

Was taken up.

Senator Bartle moved that **SCS** for **SBs 212** and **220** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SBs 212** and **220** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Kinder--1			
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 15**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 15**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 15

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2003.

Was taken up.

Senator Bartle assumed the Chair.

Senator Russell moved that **SCS** for **HCS** for **HB 15** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 15** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Stoll--1		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Dick Vermeil, coach of the Kansas City Chiefs assumed the dais and addressed the members of the Senate.

Senator Bartle assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 36**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Klindt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 7, Section 640.016, Line 26, by inserting after the word "rule" the following: "**that prescribes environmental conditions or standards**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 8, Section 640.016, Line 7 of said page, by striking the following: "department or commission promulgating" and inserting in lieu thereof the following: "**person challenging**".

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Dougherty, **SA 4** was withdrawn.

Senator Steelman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 9, Section 640.018.4, Line 14, by inserting after all of said line the following:

"444.770. 1. It shall be unlawful for any operator to engage in surface mining without first obtaining from the commission a permit to do so, in such form as is hereinafter provided, including any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons.

2. Sections 444.760 to 444.790 shall apply only to those areas which are opened on or after January 1, 1972, or to the extended portion of affected areas extended after that date. The effective date of this section for minerals not previously covered under the provisions of sections 444.760 to 444.790 shall be August 28, 1990.

3. All surface mining operations where land is affected after September 28, 1971, which are under the control of any government agency whose regulations are equal to or greater than those imposed by section 444.774, are not subject to the further provisions of sections 444.760 to 444.790, except that such operations shall be registered with the land reclamation commission.

4. Any portion of a surface mining operation which is subject to the provisions of sections 260.200 to 260.245, RSMo, and the regulations promulgated thereunder, shall not be subject to the provisions of sections 444.760 to 444.790, and any bonds or portions thereof applicable to such operations shall be promptly released by the commission, and the associated permits canceled by the commission upon presentation to it of satisfactory evidence that the operator has received a permit pursuant to section 260.205, RSMo, and the regulations promulgated thereunder. Any land reclamation bond associated with such released permits shall be retained by the commission until presentation to the commission of satisfactory evidence that:

(1) The operator has complied with sections 260.226 and 260.227, RSMo, and the regulations promulgated thereunder, pertaining to closure and postclosure plans and financial assurance instruments; and

(2) The operator has commenced operation of the solid waste disposal area or sanitary landfill as those terms are

defined in chapter 260, RSMo.

5. Notwithstanding the provisions of subsection 1 of this section, any political subdivision which uses its own personnel and equipment **or contracts for excavation to obtain sand or gravel material limited to its own use** or any private individual for personal use may conduct in-stream gravel operations without obtaining from the commission a permit to conduct such an activity.

6. Notwithstanding the provisions of subsection 1 of this section, any operator who does not engage in any form of surface mining other than in-stream sand and gravel mining, and who mines less than five thousand tons of material annually from in-stream sand and gravel operations, shall not be required to obtain a permit from the commission. However, the department of natural resources may establish excavation standards for those operators exempt from requirements to be permitted pursuant to this subsection. Such excavation standards shall not be more stringent than those required of permitted operators. In the event an operator violates the excavation standards, the department of natural resources may require the operator to apply for a permit to continue operating at such site of excavation.

444.772. 1. **Subject to the limitations set forth in section 444.770**, any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

(1) The name of all persons with any interest in the land to be mined;

(2) The source of the applicant's legal right to mine the land affected by the permit;

(3) The permanent and temporary post office address of the applicant;

(4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778 and a permit fee approved by the commission not to exceed six hundred dollars. The commission may also require a fee for each site listed on a permit not to exceed three hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed ten dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of one hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than two thousand five hundred dollars. Permit and renewal fees shall be established by rule and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes

the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. [For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars.] The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than two thousand five hundred dollars. [For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars.] Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050, RSMo, to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan area. The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the commission may consider in issuing a permit may request a public meeting, a public hearing or file written comments to the director no later than fifteen days following the final public notice publication date.

11. The commission may approve a permit application or permit amendment whose operation or reclamation plan

deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2001, and shall expire on December 31, 2007. No other provisions of this section shall expire."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Klindt, **SB 36**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HB 14**--Appropriations.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 686--Education.

REFERRALS

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on Page 361 of the Senate Journal for Monday, March 3, 2003, to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 457**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 467**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 61**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 447**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 537**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 448**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 394**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 395**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 471**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 470**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 469**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 468**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, Senator Gibbons submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 330**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

THIRD READING OF SENATE BILLS

SB 330, introduced by Senator Caskey, entitled:

An Act to repeal sections 454.505 and 454.606, RSMo, and to enact in lieu thereof two new sections relating to child support enforcement.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 330** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Champion
Childers	Clemens	Coleman	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--27	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan	Jacob	Quick
Stoll--5			
	Absent with leave--Senators		
Cauthorn	DePasco--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 136, introduced by Senator Goode, entitled:

An Act to repeal section 115.127, RSMo, relating to filing requirements for declaration of candidacy, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 136** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Champion

Childers	Clemens	Coleman	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28

NAYS--Senator Quick--1

Absent--Senators

Bland	Dolan	Mathewson--3
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Absent with leave--Senators

Cauthorn	DePasco--2
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The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 376, introduced by Senator Caskey, entitled:

An Act to repeal section 58.096, RSMo, and to enact in lieu thereof one new section relating to deputy coroners.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 376** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senator Dolan--1

Absent with leave--Senators

Cauthorn	DePasco--2
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The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

SB 297, introduced by Senator Griesheimer, entitled:

An Act to amend chapter 250, RSMo, by adding thereto one new section relating to residential and commercial

connections to state-operated sewer lines.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 297** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Childers
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland	Champion	Clemens--3
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Absent with leave--Senators

Cauthorn	DePasco--2
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The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Vogel moved that motion lay on the table, which motion prevailed.

SB 294, with **SCS**, introduced by Senator Vogel, entitled:

An Act to repeal section 313.220, RSMo, and to enact in lieu thereof one new section relating to lottery employees.

Was called from the Consent Calendar and taken up.

SCS for **SB 294**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 294

An Act to repeal sections 313.057, 313.220, and 313.810, RSMo, and to enact in lieu thereof three new sections relating to licensing requirements.

Was taken up.

Senator Vogel moved that **SCS** for **SB 294** be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS** for **SB 294** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons

Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Champion--1		
	Absent with leave--Senators		
Cauthorn	DePasco--2		

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 36**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

Senator Goode offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 3, Section 444.770, Line 1 of said page, by striking the word "five" and inserting in lieu thereof the word "**two**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2** to **SA 5**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 3, Section 444.770, Line 3 of said page, by inserting after the period "." on said line the following: "**Such operator shall provide a quarterly report to the department of natural resources indicating the tonnage and owner of the property where the sand or gravel was removed.**".

Senator Goode moved that the above amendment be adopted.

At the request of Senator Goode, the above amendment was withdrawn.

Senator Goode offered **SA 3** to **SA 5**, which was read:

SENATE AMENDMENT NO. 3 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 3, Section 444.770, Line 3 of said page, by inserting after the period "." on said line the following: **"Such operator shall provide an annual report to the department of natural resources indicating the tonnage and owner or location of the properties where the sand or gravel was removed."**

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

"260.475. 1. Every hazardous waste generator shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

- (1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;
- (2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;
- (3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;
- (4) Cement kiln dust waste;
- (5) Waste oil; or
- (6) Hazardous waste that is:
 - (a) Reclaimed or reused for energy and materials;
 - (b) Transformed into new products which are not wastes;
 - (c) Destroyed or treated to render the hazardous waste nonhazardous; or
 - (d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. Sixty percent of all moneys collected or received by the department pursuant to this section shall be transmitted to

the department of revenue for deposit in the state treasury to the credit of the hazardous waste remedial fund created in section 260.480. Forty percent of all moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee, sixty percent of which shall be deposited in the hazardous waste remedial fund, and forty percent of which shall be deposited in the hazardous waste fund.

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, sixty percent of which shall be deposited in the hazardous waste remedial fund, forty percent of which shall be deposited in the hazardous waste fund.

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste remedial fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste remedial fund.

7. No fee shall be collected pursuant to this section after January 1, [2005] **2010**.

260.479. 1. The hazardous waste management commission shall establish, by rule, two subdivisions of hazardous waste based upon the management method. Subdivision A shall include waste which is placed in a hazardous waste disposal facility or which is stored for a period of more than one hundred eighty days; provided, however, for the purposes of this section, the commission may identify hazardous waste which shall be taxed pursuant to subdivision A when stored for longer than ninety days as well as waste which may be stored for up to one year and taxed as provided in subdivision B below. Subdivision B shall include all other hazardous waste produced. The director shall annually request that a minimum of one million dollars be appropriated from general revenue funds for deposit in the hazardous waste remedial fund created pursuant to section 260.480.

2. Except as provided in this subsection and subsection 5 of this section, each hazardous waste generator registered with the department of natural resources, except the state and any political subdivision thereof, shall pay a fee based on the volume of waste produced in each of the subdivisions A and B as follows:

(1) For subdivision A waste, the fee shall be equal to 0.90785 times the amount of waste in short tons times the following sum: twenty-one dollars and eighty cents plus the product of 7.9890 cents times the amount of waste in short tons, except that the fee for subdivision A waste shall not exceed eighty thousand dollars; and

(2) For subdivision B waste, the fee shall be equal to 0.90785 times the amount of waste in short tons times the following sum: ten dollars and ninety cents plus the product of 3.9945 cents times the amount of waste in short tons, except that the fee for subdivision B waste shall not exceed forty thousand dollars.

No company shall pay more than eighty thousand dollars annually pursuant to this subsection; provided that all fee amounts established pursuant to this subsection may be adjusted annually by the commission by an amount not to exceed two and fifty-five hundredths percent. No individual generator subject to a fee pursuant to this section shall pay less than fifty dollars annually.

3. No tax shall be imposed pursuant to this section upon hazardous waste generators whose waste consists solely of waste oil or facilities licensed pursuant to chapter 197, RSMo. The commission may exempt intermittent generators or generators of very small volumes of hazardous waste from payment of fees required pursuant to this section, provided those generators comply with all other applicable provisions of sections 260.360 to 260.430.

4. Any hazardous waste generator registered with the department which discharges waste to a publicly owned

treatment works having an approved pretreatment program as required by chapter 204, RSMo, shall not pay any fee required in sections 260.350 to 260.550 on such waste discharged which is in compliance with pretreatment requirements. The hazardous waste management commission may exempt such generators from the provisions of sections 260.350 to 260.430 if such exemption will not be in violation of the federal Resource Conservation and Recovery Act.

5. No fee shall be imposed pursuant to this section upon any hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site, or upon smelter slag waste from the processing of materials into reclaimed metals. Fees on hazardous waste fuel produced from hazardous waste by processing, blending or other off-site treatment shall be assessed and collected only at the facility where such hazardous waste fuel is utilized as a substitute for other fuel. No facility using hazardous waste fuel shall pay more than eighty thousand dollars annually pursuant to this subsection for the first fiscal year fees are assessed pursuant to this section, and such maximum amount may be adjusted annually thereafter by the commission by an amount not to exceed two and fifty-five hundredths percent. This subsection shall not be construed to apply to hazardous waste used directly as a fuel that has not been processed, blended, or otherwise treated off site. Such waste shall be subject to the fees established in subsection 2 of this section.

6. The department may establish by rule and regulation categories of waste based upon waste characteristics pursuant to subsection 2 of section 260.370. When the commission adopts hazardous waste categories, it shall establish and annually revise a fee schedule based upon waste characteristics. Each generator shall annually pay a fee, in lieu of the fee required in subsection 2 of this section, based upon the volume of waste produced annually within each hazard category.

7. All fees within this section shall be based on hazardous waste produced within the preceding state fiscal year beginning with July first of the year this section goes into effect and payable at the end of the calendar year on December thirty-first and annually thereafter in the same manner; provided that no liability for fees shall be accrued pursuant to subsection 5 of this section for any waste used as a fuel prior to August 28, 2000.

8. The department shall promptly transmit sixty percent of all funds collected pursuant to this section to the director of revenue for deposit in the hazardous waste remedial fund created pursuant to section 260.480. The department shall promptly transmit forty percent of all funds collected pursuant to this section to the director of revenue for deposit in the hazardous waste fund created pursuant to section 260.391.

9. Notwithstanding any other provision of law to the contrary, no tax based on the number of employees employed by a hazardous waste generator shall be collected. No tax or fee shall be levied pursuant to this section after January 1, [2005] **2010**."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 5, Section 640.014, Line 24 of said page, by inserting immediately after the word "economic" the following: "**costs and benefits**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 8, Section 640.018, Line 25 of

said page, by striking the word "modify" and inserting in lieu thereof the following: "**correct drafting error in**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 5, Section 640.014, Line 29 of said page, by inserting immediately after the word "inaction" the following: "**, which includes both economic and environmental costs and benefits**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 5, Section 640.014, Line 2, by inserting after the word "standards" the following: "and for which a risk assessment, cost benefit analysis or regulatory impact analysis has not been conducted at the federal level, and are".

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Caskey offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section A, Line 3 by inserting after all of said line the following:

"260.830. 1. Any county of the third classification **or any county of the second classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants** may, by a majority vote of its governing body, impose a landfill fee pursuant to sections 260.830 and 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a landfill fee of (insert amount of fee per ton or volumetric equivalent of solid waste)?

[] YES [] NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. If an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the

provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, [1993] **2003**, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county. Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 8, Section 640.018, Line 13 of said page, by inserting immediately after the word "regulation" the following: "**, unless the permit applicant agrees to such provision**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 8, Section 640.018.2, Line 17, by inserting after the word "review": "**In the interest of expediting permit issuance, permit applicants may waive the opportunity to review draft permits prior to public notice.**".

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section 640.010, Line 16 of said page, by placing an opening bracket before the word "or" as it appears the second time and by striking the opening

bracket before the word "affected" and by striking the words "any person who"; and further amend line 17 of said page, by striking all of said line; and

Further amend said bill, Page 2, Section 640.010, Lines 1-2, by striking all of said lines and inserting in lieu thereof the following: ". **Except as otherwise provided by law, any person or entity aggrieved by an action taken by the department or its agents that participated in the proceeding before the department shall have the right to appeal to the commission from any finding, order, decision, or assessment for which the authority to hear appeals was transferred to the commission pursuant to section 640.314, RSMo. Participation in the proceeding means an affirmative act involving the submission of comments or information concerning the subject matter, and includes but is not limited to, filing comments on a proposed action or making comments at a public meeting. Notice of such decision shall be sent to all persons or entities that participated in the proceeding as set forth in section 640.322. Any such aggrieved person or entity may file an appeal with the commission within thirty days after valid service and receipt of any such finding, order, decision, or assessment. The**".

Senator Goode moved that the above amendment be adopted.

Senator Goode offered **SSA 1** for **SA 14**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section 640.010, Line 17, by deleting said line and inserting in lieu thereof "**demonstrates a specific interest or legal property interest in the**"; and by further amending page 2, line 1, by striking "and" and replacing with "**or**"; and further amend said page, line 2 by deleting the word "property".

Senator Goode moved that the above substitute amendment be adopted.

At the request of Senator Goode, **SSA 1** for **SA 14** was withdrawn.

Senator Klindt offered **SSA 2** for **SA 14**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Pages 1-4, Section 640.010, by deleting section 640.010 and further amend the title and enacting clause accordingly.

Senator Klindt moved that the above substitute amendment be adopted, which motion prevailed.

Senator Klindt moved that **SS** for **SCS** for **SB 36**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt **SS** for **SCS** for **SB 36**, as amended, was declared perfected and ordered printed.

Senator Loudon moved that **SB 34** be taken up for perfection, which motion prevailed.

Senator Loudon offered **SS** for **SB 34**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 34

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to informed consent to an abortion.

Senator Loudon moved that **SS** for **SB 34** be adopted.

Senator Childers assumed the Chair.

Senator Coleman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 34, Page 2, Section 188.250, Line 7 of said page, by inserting after all of said line the following:

"6. The provisions of this section shall not apply to any religious pastor, minister, or other member of the clergy providing counsel to a minor."

Senator Coleman moved that the above amendment be adopted.

Senator Coleman offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 34, Page 1, Section 188.250, Line 4, by inserting after the word "clergy", the following "of any well known religious order".

Senator Coleman moved that the above amendment be adopted.

At the request of Senator Loudon, **SB 34**, with **SS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 265**, begs leave to report that it has considered the same and recommends that the bill do pass.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 668--Agriculture, Conservation, Parks and Natural Resources.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 604** to the Committee on Ways and Means.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 15**.

HOUSE CONCURRENT RESOLUTION NO. 15

Relating to the designation of March 6th as Lymphedema D-Day in Missouri.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, lymphedema is an accumulation of lymphatic fluid that causes swelling in the arms, legs, or other areas of the body and affects both men and women; and

Whereas, the swelling caused by lymphedema can lead to severe infection or loss of the use of limbs, and patients suffering from lymphedema must endure physical discomfort and disfigurement and cope with the distress caused by these symptoms; and

Whereas, the single largest group of people who get lymphedema are cancer patients, including breast, prostate, gynecological, head, neck, lung, sarcoma, and melanoma patients; and

Whereas, in the Western world, breast cancer and its treatments are the leading causes of lymphedema, and more than two million women living with breast cancer in this country are at risk for development of lymphedema throughout their lifetimes; and

Whereas, recent studies have indicated that twenty percent of breast cancer patients will get lymphedema after surgery and radiation; and

Whereas, according to the National Cancer Institute, there are a reported eight and a half million Americans living after a diagnosis of cancer, of which about two million are breast cancer survivors; and

Whereas, no drug or effective surgical treatment for lymphedema currently exists; and

Whereas, while research in all areas of lymphedema has been notably limited, the University of Missouri Health Care System is currently conducting groundbreaking research at the University of Missouri's Ellis Fischel Cancer Center and Sinclair School of Nursing through a project funded by a \$1.6 million grant from the National Institutes of Health and a grant from the University of Iowa Gerontological Research Nursing Intervention center. The research findings will increase understanding of lymphedema risk factors, onset, and intervention, thereby helping to improve quality of life in cancer survivorship; and

Whereas, this research, led by nationally recognized Dr. Jane Armer and conducted by a team of multi-disciplinary researchers, will focus on the psychosocial impacts of lymphedema and the affects of lymphedema on families and addresses the under-diagnosed and under-recognition of this condition by health care providers; and

Whereas, lymphedema, which has no cure and can occur at any time, has a severe financial, physical, and psychological impact on patients; and

Whereas, each year on March 6th, the National Lymphedema Network sponsors Lymphedema D-Day to honor patients and to raise awareness of the treatment and severity of this condition:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby designate March 6th, in 2003 and each subsequent year, as Lymphedema D-Day in Missouri; and

Be it further resolved that the members of the General Assembly encourage the citizens of the State of Missouri to honor and support the courageous patients living and coping with this debilitating condition; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 307, regarding the Helias High School Wrestling Team, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 308, regarding Gregory C. "Greg" Stockard, Jr., Jefferson City, which

was adopted.

Senator Cauthorn offered Senate Resolution No. 309, regarding Lewis Galbreath, Mexico, which was adopted.

Senator Clemens offered Senate Resolution No. 310, regarding the Willard R-II School District, Springfield.

INTRODUCTIONS OF GUESTS

Senator Foster introduced to the Senate, Allen Moore, Piedmont; Bill Hovis, Hiram; and Bill Thorsland, Leeper.

Senator Clemens introduced to the Senate, Lt. Col. Clair Eike, Bob Pyeatt, and Densil Batson, Greene County.

On behalf of Senator Champion and himself, Senator Clemens introduced to the Senate, Anson Elliott, Bruce Johnson, and representatives of the Southwest Missouri State University Collegiate Farm Bureau, Springfield.

Senator Kennedy introduced to the Senate, Carol Stinson, R.N.F.A., D.J. Gross, R.N., Nancy Hagan, R.N., Yvonne Schlote, R.N., and Charles Thompson, St. Louis.

Senator Cauthorn introduced to the Senate, the Physician of the Day, Dr. Arthur G. Freeland, M.D., Kirksville.

Senator Griesheimer introduced to the Senate, Betty Kerff, Linda Booher, Marian Milsaps, Shirley Boske, and Dixie Stone, Washington.

Senator Dolan introduced to the Senate, Pat Baravik, Augusta; Rolla Barr, Defiance; Don Fruhwirth, Wentzville; Bill Pollahan, New Melle;

and Leslie Seely, Lake St. Louis.

Senator Russell introduced to the Senate, Carolyn Hughes, West Plains.

Senator Childers introduced to the Senate, Misty Rutledge, West Plains.

Senator Scott introduced to the Senate, Wanda Force, and fourth grade students from Osceola; and Alexis Self, Paige Hodsell, Evan Shelby, and Michael Holt were made honorary pages.

On behalf of Senator Kinder, the President introduced to the Senate, Dave Kendall and Bud Epps, trainers for the Kansas City Chiefs; Mark Dempsey, President, Athletic Trainers Association; Eric McDonnel, trainer for the University of Missouri; and Ron DeBuque, trainer for the St. Louis Rams.

Senator Kennedy introduced to the Senate, James Buchanan, D.O., Farmington.

Senator Klindt introduced to the Senate, Matt Daise, Zac Erwin, Lori Fordyce, Lacy Friedrich, Greg Lally, Jason Marx, Ryan Porter, Clint Prange, Jason Vandivort, and Dr. Arley Larson, representatives of Collegiate Farm Bureau from Northwest Missouri State University, Maryville.

Senator Clemens introduced to the Senate, Spook Whitener, Springfield.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 497-Yeckel, et al

SB 573-Dougherty

SB 599-Childers and Gibbons

SB 600-Jacob

SB 602-Cauthorn

SB 633-Shields and Kinder

SB 635-Mathewson

SB 636-Mathewson

SB 640-Foster

SB 643-Yeckel

SB 645-Kennedy

SB 646-Bray

SB 647-Bray

SB 648-Shields

SB 649-Shields

SB 650-Jacob

SB 652-Steelman

SB 653-Steelman

SB 654-Steelman

SB 655-Klindt

SB 656-Klindt

SB 657-Klindt

SB 658-Cauthorn

SB 659-Cauthorn

SB 660-Cauthorn

SB 661-Wheeler

SB 662-Wheeler

SB 663-Dolan and Gross

SB 664-Childers

SB 665-Bland

SB 669-Dougherty and Gibbons

SB 670-Dougherty

SB 671-DePasco

SB 674-Gross

SB 675-Gross, et al

SB 677-Vogel and Russell

SB 678-Vogel and Russell

SB 679-Loudon

SB 680-Loudon

SB 681-Loudon, et al

SB 683-Clemens, et al

SB 684-Dougherty

SB 685-Gibbons, et al

SB 687-Russell, et al

SB 688-Russell and Goode

SB 689-Russell and Goode

SB 690-Russell, et al

SB 691-Russell, et al

SB 693-Klindt, et al

SB 694-Klindt

SB 695-Goode and Russell

SB 696-Coleman

SB 698-Russell

SB 699-Russell

SJR 19-Clemens

SJR 20-Bray

SJR 21-Cauthorn

SJR 22-Klindt

SJR 23-Coleman

HOUSE BILLS ON SECOND READING

HCS for HB 288

HCS for HB 390

HB 91-Mayer

HCS for HB 273

THIRD READING OF SENATE BILLS

SS for SCS for SB 265-

Shields

SCS for SB 84-Cauthorn

and Klindt

SENATE BILLS FOR PERFECTION

SB 347-Loudon, et al, with SCS

SB 481-Dolan, et al, with SCS

SB 24-Steelman, with SCS

SB 300-Cauthorn, et al, with SCS

SB 253-Steelman, et al, with

SCS

SB 207-Mathewson

SB 264-Shields, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott, with SCS

SB 18-Yeckel and Cauthorn,

with SCS & SS for SCS

(pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 34-Loudon, with SS, SA 1

& SA 1 to SA 1 (pending)

SB 51-Shields

SB 69-Yeckel and Nodler,

with SCS (pending)

SB 112-Loudon, with SCS

SB 217-Champion and

Clemens, with SS (pending)
SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey
SB 275-Russell
Reported 2/24

SB 57-Nodler
SB 142-Goode and Days
SB 186-Cauthorn
SB 218-Goode, et al, with SCS
SB 224-Vogel, with SCS#2
SB 238-Caskey, with SCS
SB 250-Stoll
SB 269-Quick, with SCS
SB 281-Shields, with SCS
SB 391-Shields, et al, with SCS
SB 308-Steelman, with SCS
SB 303-Gibbons, with SCS
SB 317-Stoll and Bray

SB 385-Scott, with SCS

SB 54-Griesheimer

SB 423-Childers

SB 356-Stoll

SB 355-Stoll

Reported 3/3

SB 456-Kennedy, et al

SB 478-Gross, with SCS

SB 426-Griesheimer

SB 321-Days

SB 327-Gross and Mathewson

SB 496-Yeckel

SB 388-Klindt, et al

SB 237-Russell, et al, with SCS

SB 421-Mathewson, with SCS

SB 202-Childers, with SCS

SB 175-Loudon

SB 52-Shields, with SCS#2

SB 309-Caskey

SB 1-Russell, with SCS#2

Reported 3/4

SB 457-Caskey

SB 467-Bartle

SB 61-Caskey, with SCS

SB 447-Bartle, with SCS

SB 537-Jacob

SB 448-Bartle

SB 394-Bartle

SB 395-Bartle

SB 471-Bartle

SB 470-Bartle

SB 469-Bartle

SB 468-Bartle

RESOLUTIONS

To be Referred

HCR 15-Behnen

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND DAY--WEDNESDAY, MARCH 5, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"They said to one another, 'Here comes this dreamer.'" (Genesis 37:19)

Creator God, You supply us with all that we need and we are thankful. Yet we would ask to receive a vision that will help guide us and strengthen us as we go through the challenges that continue to come before us. Bless us so and we will follow Your directions and fulfill our destiny. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33	Absent with leave--Senator DePasco--1		

RESOLUTIONS

Senator Childers offered Senate Resolution No. 311, regarding Misha Ann Hull Blakely, Barry County, which was adopted.

THIRD READING OF SENATE BILLS

SB 57, introduced by Senator Nodler, entitled:

An Act to repeal section 130.026, RSMo, relating to filing of campaign finance reports, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 57** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Kinder	Stoll--2		
Absent with leave--Senators			
Clemens	DePasco--2		

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 142, introduced by Senators Goode and Days, entitled:

An Act to repeal sections 88.010, 88.013, 88.027, 88.030, 88.040, 88.043, 88.047, 88.050, 88.053, 88.057, 88.060, 88.063, and 88.073, RSMo, and to enact in lieu thereof thirty new sections relating to condemnation proceedings for towns and villages.

Was called from the Consent Calendar and taken up by Senator Goode.

On motion of Senator Goode, **SB 142** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Russell--1			
Absent with leave--Senators			
Clemens	DePasco--2		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 186, introduced by Senator Cauthorn, entitled:

An Act to repeal section 59.041, RSMo, relating to recorders of deeds, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 186** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Dolan	Quick	Russell--3	
Absent with leave--Senators			
Clemens	DePasco--2		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 218, with **SCS**, introduced by Senator Goode, et al, entitled:

An Act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed by municipalities to repair lateral sewer service lines.

Was called from the Consent Calendar and taken up by Senator Goode.

SCS for **SB 218**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 218

An Act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed by municipalities to repair lateral sewer service lines.

Was taken up.

Senator Goode moved that **SCS** for **SB 218** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 218** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Mathewson	Quick
Scott--5			
Absent with leave--Senators			
Clemens	DePasco--2		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 34**, with **SS**, **SA 1** and **SA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SA 1** was again taken up.

Senator Loudon offered **SSA 1** for **SA 1** to **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 34, Page 1, Line 5, by adding after the word "minor" the following: "unless that person intentionally causes, aids or assists a minor to obtain an abortion.".

Senator Loudon moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 1** to **SA 1** is out of order as it is in the third degree and further raised a second point of order that **SSA 1** for **SA 1** to **SA 1** is not a true substitute amendment.

The points of order were referred to the President Pro Tem.

Senator Gross assumed the Chair.

President Pro Tem Kinder ruled the first point of order raised by Senator Jacob not well taken and the second point of order well taken.

SA 1 to **SA 1** was again taken up.

Senator Bartle assumed the Chair.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Jacob offered **SSA 2** for **SA 1** to **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 1

TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 34, Page 1, Section 188.250, Line 4, by deleting the words "or other member of the clergy" and inserting in lieu thereof "clergy person, priest, rabbi, or other person serving in a similar capacity for any religious organization"; and further amending same page, same section, line 5, by inserting at the end of said line the following: "For purposes of this section, the term "religious organization" shall include any society, sect, persuasion, mission, church, parish, congregation, temple, convention or association of any of the foregoing, diocese or presbytery, or other organization that has or would qualify for federal tax exempt status as a nonprofit religious organization under section 501(c) of the Internal Revenue Code; or an entity whose real estate is exempt from taxation because it is used for religious purposes.".

Senator Jacob moved that the above substitute amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Loudon offered **SA 2** to **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 34, Page 1, Line 5, by adding after the word "minor" the following: "unless that person intentionally causes, aids or assists a minor to obtain an abortion.".

Senator Loudon moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 2** to **SA 1** is out of order as it is a negative amendment.

Senator Shields assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bartle assumed the Chair.

SA 1, as amended, was again taken up.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Days, Jacob, Quick and Wheeler.

SA 1, as amended, failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Goode	Jacob	Mathewson
Quick	Wheeler--10		
NAYS--Senators			
Bartle	Cauthorn	Childers	Dolan
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--20
Absent--Senators			
Champion	Dougherty--2		
Absent with leave--Senators			
Clemens	DePasco--2		

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 34, Page 2, Section 188.250, Line 7, by inserting after all of said line the following:

"6. All parents are hereby mandated to have a healthy, communicative relationship with their minor children. Failure to maintain such a relationship at all times shall give rise to a civil cause of action by the aggrieved child or by any grandchildren resulting from such failure, which shall not expire until two years after the child's twenty-first birthday. A court may award damages, including attorney's fees and court costs, and may include an award for punitive damages."

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 2** was withdrawn.

Senator Gross assumed the Chair.

Senator Shields assumed the Chair.

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 34, Page 2, Section 188.250, Line 7, by inserting after all of said line the following:

"6. The provisions of this section shall not apply in the case of a minor who obtains an abortion as a result of rape or incest or in order to preserve the life or health of the minor."

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in

her request by Senators Bland, Coleman, Days and Jacob.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Goode	Jacob	Quick
Wheeler--9			
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--20
Absent--Senators			
Dolan	Dougherty	Mathewson--3	
Absent with leave--Senators			
Clemens	DePasco--2		

Senator Days offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 34, Page 2, Section 188.250, Line 7 of said page, by inserting after all of said line the following:

"6. The provisions of this section shall not apply to any grandparent, sibling, aunt, or uncle of a minor."

Senator Days moved that the above amendment be adopted.

At the request of Senator Loudon, **SB 34**, with **SS** and **SA 4** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 15** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 15** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 15**: Senators Russell, Gross, Childers, Goode and Coleman.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 439** and **SB 440** to the Committee on Commerce and the Environment.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 312, regarding Betty Morris, Aberdeen, Maryland, which was adopted.

Senator Dougherty offered Senate Resolution No. 313, regarding Allison Raven Brown, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Steelman.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 36**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SB 36** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 15--Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 34**, with **SS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

Senator Days moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 34, Section 188.250, Page 2, Line 7, by inserting after the end of said line the following:

"6. Any cause of action filed pursuant to this section shall be brought within two years from the date of the abortion."

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 34, Section 188.250, Page 1, Lines 10-12, by deleting said lines and inserting in lieu thereof the following:

"188.028. In the event a lawsuit is filed pursuant to this section, the prevailing party shall be awarded attorney fees, suit expenses and court costs."

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Caskey, Days, Coleman and Wheeler.

SA 6 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Quick	Wheeler--10		
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--21			
Absent--Senators			
Klindt	Mathewson--2		
	Absent with leave--Senator DePasco--1		

Senator Bray offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 34, Page 2, Section 188.250, Line 7, by inserting after all of said line the following:

"6. The provisions of this section shall not apply in the case of a minor who obtains an abortion as a result of rape or incest."

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Coleman, Days, Quick and Wheeler.

SA 7 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Goode	Jacob	Quick
Wheeler--9			
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers

Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--22		
	Absent--Senators		
Dougherty	Mathewson--2		
	Absent with leave--Senator DePasco--1		

Senator Wheeler offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Bill No. 34, Pages 1-2, Section 188.250, Lines 19-7, by deleting all of said lines.

Senator Wheeler moved that the above amendment be adopted.

At the request of Senator Wheeler, **SA 8** was withdrawn.

At the request of Senator Loudon, **SB 34**, with **SS** (pending), was placed on the Informal Calendar.

At the request of Senator Loudon, **SB 347**, with **SCS**, was placed on the Informal Calendar.

Senator Dolan moved that **SB 481**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 481**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 481

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof two new sections relating to accountability measures governing the operations of the department of transportation.

Was taken up.

Senator Dolan moved that **SCS** for **SB 481** be adopted.

Senator Dolan offered **SS** for **SCS** for **SB 481**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 481

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof two new sections relating to accountability measures governing the operations of the department of transportation.

Senator Dolan moved that **SS** for **SCS** for **SB 481** be adopted.

Senator Russell offered **SS** for **SS** for **SCS** for **SB 481**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 481

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof three new sections relating to accountability measures governing the operations of the department of transportation.

Senator Russell moved that **SS** for **SS** for **SCS** for **SB 481** be adopted.

At the request of Senator Dolan, **SB 481**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), was placed on the Informal Calendar.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 280**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 14**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 15** Representatives: Bearden, Lager, Roark, Riback Wilson (25), and Campbell.

RESOLUTIONS

Senator Days offered Senate Resolution No. 314, regarding Falun Dafa, which was adopted.

Senator Stoll offered Senate Resolution No. 315, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Arthur Markus, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Eric McKenzie, Keytesville; and Eric was made an honorary page.

Senator Wheeler introduced to the Senate, Josh Packwood, Kansas City.

Senator Cauthorn introduced to the Senate, Betsy Daniel, Greenfield.

Senator Kinder introduced to the Senate, LeAnn Walther, Jackson.

Senator Caskey introduced to the Senate, Laura McGowan, Adrian; and Laura was made an honorary page.

Senator Vogel introduced to the Senate, Brian Kliethermes, Tipton.

Senator Klindt introduced to the Senate, Carrie Ware, Polo; and Jessica Walker, Maryville.

Senator Scott introduced to the Senate, Anthony Jones, Lamar.

Senator Foster introduced to the Senate, Michael Painton, Bell City.

Senator Vogel introduced to the Senate, Coach Mike Jeffries, Assistant Coaches David Ganey, Travis Reinsch, Jeff Berendzen, Dana DeWeese, and the 2003 Missouri State High School Activities Association Class 2 State Champion Helias Crusaders Wrestling Team: John Kusick, Tom Koenigsfeld, Matt Chinn, Tyler Eads, Ben Cardwell, Will Ayers, Chad Loethen, Brian Markway, David Suthoff, John Komaromi, Zeke Vanderfeltz, Jeff Heet, Kyle Hoelscher, and Mike Malone.

Senator Dolan introduced to the Senate, seventh and eighth grade students representing the Gifted Program of Saeger and Barnwell Middle School, St. Charles County.

Senator Klindt introduced to the Senate, members of the Maryville Chamber of Commerce.

Senator Foster introduced to the Senate, the Caruthersville Social Studies Core Extension Class, Caruthersville; and Chelsey Fruhling, Kate Loethen, Christian Abbott, and Graham Gardner were made honorary pages.

On behalf of Senator Clemens and herself, Senator Champion introduced to the Senate, sixth, seventh, and eighth grade students representing the Middle Year's Scholars Program at Central High School, Springfield.

On behalf of Senator Gross and himself, Senator Kennedy introduced to the Senate, members of FOCUS Leadership St. Louis: Robert G. Batts, Wendy Buehler, Jean Cavender, Christine Kuech Conrad, Honorable Steve Ehlmann, Lorraine Goffe-Rush, Janet M. Holloway, Andrea A. Johnson, Susan E. Buford, Judy Preddy Draper, Barbara A. Enneking, Ann Marie Ficken, Monique Gorden, Major David R. Heath, Zachary A.

Hummel, Jacob Johnson, Judith C. Broston, Marilyn K. Bush, Andrew Conover, Norman W. Drey, Fran Fanara, Mary T. Goedde, Angela Feddersen Heinze, Molly Hyland, Edward Thomas Jones, Nina Leigh Krueger, Gregory Ward Lukeman, McGraw Milhaven, Cheryl D. Polk, Larry R. Smith, Stewart Weinberg, Michael E. Whittle, Leah A. Merrifield, Peggy L. Milner, Cynthia A. Prost, Ching-Ling Tai, James N. Valenti, Arthur Eric Weiss, Irvetta J. Williams, Christine A. Chadwick, Albert James Mitchell, Steven R. Sullivan, Susan S. Wedemeyer, Susan K. Weissman, E. Terence Jones, and Jim Eye, St. Louis; Remy Billups, Edwardsville, IL; William P. Charinsky, St. Peters; Barbara L. Griffith, Major David L. Todd, and Amie Kathleen Stein, St. Charles; Susan Pundmann Lauth, Wentzville; Martin Francis Leifeld, Belleville, IL; Beth Meyerson, Warrenton; Winston Rogers, III, Florissant; Thomas N. Tener, Fenton; Willis E. Young, East St. Louis, IL; and Susan B. Svejkosky, O'Fallon.

Senator Steelman introduced to the Senate, Mandy Meyer, Chamois.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Hal Williamson, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 497-Yeckel, et al

SB 573-Dougherty

SB 599-Childers and Gibbons

SB 600-Jacob

SB 602-Cauthorn

SB 633-Shields and Kinder

SB 635-Mathewson

SB 636-Mathewson

SB 640-Foster

SB 643-Yeckel

SB 645-Kennedy

SB 646-Bray

SB 647-Bray

SB 648-Shields

SB 649-Shields

SB 650-Jacob

SB 652-Steelman

SB 653-Steelman

SB 654-Steelman

SB 655-Klindt

SB 656-Klindt

SB 657-Klindt

SB 658-Cauthorn

SB 659-Cauthorn

SB 660-Cauthorn

SB 661-Wheeler

SB 662-Wheeler

SB 663-Dolan and Gross

SB 664-Childers

SB 665-Bland

SB 669-Dougherty and Gibbons

SB 670-Dougherty

SB 671-DePasco

SB 674-Gross

SB 675-Gross, et al

SB 677-Vogel and Russell

SB 678-Vogel and Russell

SB 679-Loudon

SB 680-Loudon

SB 681-Loudon, et al

SB 683-Clemens, et al

SB 684-Dougherty

SB 685-Gibbons, et al

SB 687-Russell, et al

SB 688-Russell and Goode

SB 689-Russell and Goode

SB 690-Russell, et al

SB 691-Russell, et al

SB 693-Klindt, et al

SB 694-Klindt

SB 695-Goode and Russell

SB 696-Coleman

SB 698-Russell

SB 699-Russell

SJR 19-Clemens

SJR 20-Bray

SJR 21-Cauthorn

SJR 22-Klindt

SJR 23-Coleman

HOUSE BILLS ON SECOND READING

HCS for HB 288

HCS for HB 390

HB 91-Mayer

HCS for HB 273

THIRD READING OF SENATE BILLS

SS for SCS for SB 265-Shields

SCS for SB 84-Cauthorn and Klindt

SS for SCS for SB 36-Klindt

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 24-Steelman, with SCS

SB 300-Cauthorn, et al, with SCS

SB 253-Steelman, et al, with SCS

SB 207-Mathewson

SB 264-Shields, with SCS

SB 280-Scott, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14 (Russell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott, with SCS

SB 18-Yeckel and Cauthorn,

with SCS & SS for SCS

(pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 34-Loudon, with SS

(pending)

SB 51-Shields

SB 69-Yeckel and Nodler,
with SCS (pending)

SB 112-Loudon, with SCS

SB 217-Champion and
Clemens, with SS (pending)

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)

SB 481-Dolan, et al, with
SCS, SS for SCS & SS
for SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 224-Vogel, with SCS#2

SB 238-Caskey, with SCS

SB 250-Stoll

SB 269-Quick, with SCS

SB 281-Shields, with SCS

SB 391-Shields, et al, with SCS

SB 308-Steelman, with SCS

SB 303-Gibbons, with SCS

SB 317-Stoll and Bray

SB 385-Scott, with SCS

SB 54-Griesheimer

SB 423-Childers

SB 356-Stoll

SB 355-Stoll Reported 3/3

SB 456-Kennedy, et al

SB 478-Gross, with SCS

SB 426-Griesheimer

SB 321-Days

SB 327-Gross and Mathewson

SB 496-Yeckel

SB 388-Klindt, et al

SB 237-Russell, et al, with SCS

SB 421-Mathewson, with SCS

SB 202-Childers, with SCS

SB 175-Loudon

SB 52-Shields, with SCS#2

SB 309-Caskey

SB 1-Russell, with SCS#2 Reported 3/4

SB 457-Caskey

SB 467-Bartle

SB 61-Caskey, with SCS

SB 447-Bartle, with SCS

SB 537-Jacob

SB 448-Bartle

SB 394-Bartle

SB 395-Bartle

SB 471-Bartle

SB 470-Bartle

SB 469-Bartle

SB 468-Bartle BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1 (pending)

Journal of the Senate
FIRST REGULAR SESSION

THIRTY-THIRD DAY--THURSDAY, MARCH 6, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Be still and know that I am God." (Psalm 46:10a)

Merciful God, help us to find time each day to be still and silent in Your presence. Let us listen for Your voice and come to understand the power of Your word. May we be thankful for such moments and let them change our business into productive stillness, quiet minds and healthier bodies. We continue to pray for Senator DePasco as he prepares for yet another round of chemo and for Kim Green; touch their bodies with Your healing power and bring them to health in mind, body and spirit. And bless our relationships with those You have given us to love, so we may grow in covenant with You our God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33	Absent with leave--Senator DePasco--1		

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 316, regarding Charles Gary Miles, which was adopted.

Senator Steelman offered Senate Resolution No. 317, regarding Dennis R. "Doc" Roberts, Rolla, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Rolla Jay Plattner, as a member of the Missouri Agriculture and Small Business Development Authority;

Also,

Ronald W. Randen, as a member of the Missouri Training and Employment Council;

Also,

Stacey L. Allen, as a student representative of the Missouri Southern State College Board of Regents;

Also,

Michael Leo Kehoe, as a member of the Linn State Technical College Board of Regents;

Also,

Linda R. Bohrer, as a member of the Missouri Head Injury Advisory Council;

Also,

Angela Wasson-Hunt, as a member of the Kansas City Board of Police Commissioners;

Also,

Thomas J. Mathis III, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Susan I. Green, as a member of the Seismic Safety Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 298**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 427**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which were referred **SB 125** and **SB 299**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 422**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 36**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 544**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 450**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 305**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 410**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 447**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 309**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

THIRD READING OF SENATE BILLS

SB 224, with **SCS No. 2**, introduced by Senator Vogel, entitled:

An Act to authorize the conveyance of property owned by the state in the County of Callaway to the City of Fulton, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS No. 2 for **SB 224**, entitled:

SENATE COMMITTEE SUBSTITUTE NO. 2

FOR SENATE BILL NO. 224

An Act to authorize the conveyance of property owned by the state in the County of Callaway to the City of Fulton, with an emergency clause.

Was taken up.

Senator Vogel moved that **SCS No. 2** for **SB 224** be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS No. 2** for **SB 224** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Quick	Yeckel--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None
Absent--Senators
Quick--2
Absent with leave--Senator DePasco--1

Bland

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 238, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal sections 72.080 and 72.130, RSMo, and to enact in lieu thereof two new sections relating to incorporation of cities, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 238**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 238

An Act to repeal sections 72.080 and 72.130, RSMo, and to enact in lieu thereof two new sections relating to incorporation of cities, with an emergency clause.

Was taken up.

Senator Caskey moved that **SCS** for **SB 238** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 238** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--29			

NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Quick	Wheeler--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross

Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Goode	Quick	Wheeler--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

SB 250, introduced by Senator Stoll, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a law enforcement sales tax, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Stoll, **SB 250** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators		
Goode	Scott--2		
	Absent--Senator Nodler--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senator Goode--1		
	Absent--Senator Nodler--1		
	Absent with leave--Senator DePasco--1		

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 269, with **SCS**, introduced by Senator Quick, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a city sales tax for public safety, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 269**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 269

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a city sales tax for public safety, with an emergency clause.

Was taken up.

Senator Quick moved that **SCS** for **SB 269** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 269** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators

Goode Scott--2

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

Senator Childers assumed the Chair.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt

Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senator Goode--1			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 265**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 265

An Act to repeal sections 161.092, 168.021, and 168.071, RSMo, and to enact in lieu thereof three new sections relating to certificates of license to teach.

Was taken up.

On motion of Senator Shields, **SS** for **SCS** for **SB 265** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SCS for **SB 84**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 84

An Act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

Was taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SCS** for **SB 84** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Klindt moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 36**, introduced by Senator Klindt, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 36

An Act to repeal sections 260.475, 260.479, 260.830, 260.831, 444.770, and 444.772, RSMo, and to enact in lieu thereof nine new sections relating to environmental regulation.

Was taken up.

On motion of Senator Klindt, **SS** for **SCS** for **SB 36** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
NAYS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Quick
Wheeler--9			
Absent--Senators--None			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 14**, entitled:

An Act to appropriate money for the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri beginning July 1, 2002 and ending June 30, 2003.

Was taken up by Senator Russell.

On motion of Senator Russell, **HCS** for **HB 14** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24

NAYS--Senators

Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Quick
Wheeler--9			

Absent--Senators--None

Absent with leave--Senator DePasco-- 1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 318, regarding Paul Crittenden, Herculaneum, which was adopted.

Senator Stoll offered Senate Resolution No. 319, regarding Adam McCullough, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 320, regarding Reverend Richard Adams, Herculaneum, which was adopted.

Senator Klindt offered Senate Resolution No. 321, regarding Jacob Austin "Jake" Gardner, Jamesport, which was adopted.

Senator Klindt offered Senate Resolution No. 322, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard McDaniel, Galt, which was adopted.

Senator Klindt offered Senate Resolution No. 323, regarding Sean A. Wood, Gallatin, which was adopted.

Senators Goode, Dougherty, Coleman, Days, Bray and Gibbons offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 324

WHEREAS, the Missouri Valley Conference is the second oldest athletic conference in the nation with ten member institutions that include Bradley University, Creighton University, Drake University, the University of Evansville, Illinois State University, Indiana State University, the University of Northern Iowa, Southern Illinois University, Southwest Missouri State University, and Wichita State University; and

WHEREAS, the year 2003 marks the thirteenth consecutive season that the Missouri Valley Conference Basketball Tournament will be held in the historic Gateway City of St. Louis, a very proud and extremely grand tradition of "Arch Madness" that began in 1991 when the first such extravaganza was held in the old Kiel Auditorium; and

WHEREAS, the Missouri Valley Conference has been based in St. Louis since 1985 and the excitement of the Tournament attracts more than 50,000 fans to the City of St. Louis which generates in excess of six million dollars, a valued stimulus to the local economy; and

WHEREAS, the oldest athletic conference west of the Mississippi River, the Missouri Valley Conference was established in 1907 with the University of Missouri as a founding member and was strengthened in subsequent years by the addition of Saint Louis University and Southwest Missouri State University; and

WHEREAS, now in his fifteenth year as Commissioner, Doug Elgin has excelled in his responsibilities as one of the country's top athletic administrators and was instrumental in bringing NCAA Midwest Regionals in 1993, 1998, and 1999; the NCAA first and second rounds in 2002; and the NCAA Women's Final Four in 2001 hosted by the Missouri Valley Conference:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, join unanimously in applauding Commissioner Doug Elgin and the Missouri Valley Conference as an expression of deep gratitude for the phenomenal impact which it has had on the City of St. Louis and the entire Show-Me State as a result of its success in the pursuit of excellence and in extending best wishes for continued progress in the years leading to its upcoming Centennial and beyond; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation in honor of the Missouri Valley Conference.

Senator Mathewson offered Senate Resolution No. 325, regarding Jill Thompson, Lafayette County, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 34**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 34** was again taken up.

Senator Loudon offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Bill No. 34, Page 1, Section 188.250, Line 10, by inserting after the word "damages" the following: "**of up to one thousand dollars**".

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Photographers from KOMU-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

Senator Loudon moved that **SS** for **SB 34**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SB 34**, as amended, was declared perfected and ordered printed.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 646--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 647--Education.

SB 649--Aging, Families, Mental and Public Health.

SB 650--Education.

SB 653--Transportation.

SB 654--Commerce and the Environment.

SB 655--Agriculture, Conservation, Parks and Natural Resources.

SB 660--Governmental Accountability and Fiscal Oversight.

SB 669--Judiciary and Civil and Criminal Jurisprudence.

SB 674--Economic Development, Tourism and Local Government.

SB 681--Small Business, Insurance and Industrial Relations.

SB 685--Aging, Families, Mental and Public Health.

SB 693--Governmental Accountability and Fiscal Oversight.

SB 694--Economic Development, Tourism and Local Government.

SB 699--Education.

SJR 20--Transportation.

SJR 22--Agriculture, Conservation, Parks and Natural Resources.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Tammy Slape and David Fleming, Webb City.

Senator Kinder introduced to the Senate, eighty-five fourth grade students from Blanchard Elementary School, Cape Girardeau.

Senator Goode introduced to the Senate, students from Twillman Elementary School, St. Louis; and Terlisa Jennings and Noel Benson were made honorary pages.

Senator Yeckel introduced to the Senate, Reverend Joseph A. Weber, Lemay.

On behalf of Senator Jacob and himself, Senator Wheeler introduced to the Senate, the Physician of the Day, Dr. David Fleming, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, March 10, 2003.

SENATE CALENDAR

THIRTY-FOURTH DAY-MONDAY, MARCH 10, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 497-Yeckel, et al

SB 573-Dougherty

SB 599-Childers and Gibbons

SB 600-Jacob

SB 602-Cauthorn

SB 633-Shields and Kinder

SB 635-Mathewson

SB 636-Mathewson

SB 640-Foster

SB 643-Yeckel

SB 645-Kennedy

SB 648-Shields

SB 652-Steelman

SB 656-Klindt

SB 657-Klindt

SB 658-Cauthorn

SB 659-Cauthorn

SB 661-Wheeler

SB 662-Wheeler

SB 663-Dolan and Gross

SB 664-Childers

SB 665-Bland

SB 670-Dougherty

SB 671-DePasco

SB 675-Gross, et al

SB 677-Vogel and Russell

SB 678-Vogel and Russell

SB 679-Loudon

SB 680-Loudon

SB 683-Clemens, et al

SB 684-Dougherty

SB 687-Russell, et al

SB 688-Russell and Goode

SB 689-Russell and Goode

SB 690-Russell, et al

SB 691-Russell, et al

SB 695-Goode and Russell

SB 696-Coleman

SB 698-Russell

SJR 19-Clemens

SJR 21-Cauthorn

SJR 23-Coleman HOUSE BILLS ON SECOND READING

HCS for HB 288

HCS for HB 390

HB 91-Mayer

HCS for HB 273 SENATE BILLS FOR PERFECTION

1. SB 24-Steelman, with SCS

2. SB 300-Cauthorn, et al, with SCS

3. SB 253-Steelman, et al,
with SCS

4. SB 207-Mathewson

5. SB 264-Shields, with SCS

6. SB 280-Scott, et al, with SCS

7. SB 298-Griesheimer, with SCS

8. SB 427-Bartle, et al, with SCS

9. SBs 125 & 290-Goode,
with SCS

10. SB 422-Childers, with SCS

11. SB 2-Russell, with SCS

12. SB 544-Gross, et al, with SCS

13. SB 450-Mathewson, et al,
with SCS

14. SB 305-Jacob and Steelman

15. SB 410-Shields and Goode,
with SCS

16. SB 5-Caskey, with SCS INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott,

with SCS

SB 18-Yeckel and Cauthorn,

with SCS & SS for SCS

(pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields

SB 69-Yeckel and Nodler,

with SCS (pending)

SB 112-Loudon, with SCS

SB 217-Champion and

Clemens, with SS (pending)

SB 347-Loudon, et al,

with SCS

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

SB 481-Dolan, et al, with

SCS, SS for SCS & SS

for SS for SCS (pending) CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell Reported 2/24

SB 281-Shields, with SCS

SB 391-Shields, et al, with SCS

SB 308-Steelman, with SCS

SB 303-Gibbons, with SCS

SB 317-Stoll and Bray

SB 385-Scott, with SCS

SB 54-Griesheimer

SB 423-Childers

SB 356-Stoll

SB 355-Stoll Reported 3/3

SB 456-Kennedy, et al

SB 478-Gross, with SCS

SB 426-Griesheimer

SB 321-Days

SB 327-Gross and Mathewson

SB 496-Yeckel

SB 388-Klindt, et al

SB 237-Russell, et al, with SCS

SB 421-Mathewson, with SCS

SB 202-Childers, with SCS

SB 175-Loudon

SB 52-Shields, with SCS#2

SB 1-Russell, with SCS#2 Reported 3/4

SB 457-Caskey

SB 467-Bartle

SB 61-Caskey, with SCS

SB 537-Jacob

SB 448-Bartle

SB 394-Bartle

SB 395-Bartle

SB 471-Bartle

SB 470-Bartle

SB 469-Bartle

SB 468-Bartle

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS
(Russell)

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FOURTH DAY--MONDAY, MARCH 10, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Rejoice in the Lord always: again I will say, Rejoice." (Philippians 4:4)

Gracious God, help us develop and keep a zest for our work and living for such You have created us to have. Help us to breathe deeply and joyfully the clean, refreshing love and mercy that come from You. And help us this week to go joyfully into the work that You have given us to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Gibbons moved that the Senate Journal for Thursday, March 6, 2003, be corrected on Page 403, Column 2, Line 19, by deleting the numeral "**299**" and inserting in lieu thereof the numeral "**290**", which motion prevailed.

The Journal for Thursday, March 6, 2003, was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator DePasco--1			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Gross offered Senate Resolution No. 326, regarding Keith Sutherland, Warrenton, which was adopted.

Senator Gross offered Senate Resolution No. 327, regarding John Carlton, which was adopted.

Senator Gross offered Senate Resolution No. 328, regarding Patti York, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 329, regarding Bruce Vieweg, which was adopted.

Senator Gross offered Senate Resolution No. 330, regarding the St. Charles County Children and Family Services Authority, which was adopted.

Senator Gross offered Senate Resolution No. 331, regarding LuAnn Reese, St. Francois County, which was adopted.

Senator Gross offered Senate Resolution No. 332, regarding Frank Martinez, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 333, regarding David Fitzgerald, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 334, regarding Bonnie Crandall, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 335, regarding Ameren UE, which was adopted.

Senator Caskey offered Senate Resolution No. 336, regarding Tyler Vincent Conrad, Archie, which was adopted.

Senator Caskey offered Senate Resolution No. 337, regarding Nevada High School Air Force Junior ROTC Drill Team, Nevada, which was adopted.

Senator Yeckel offered Senate Resolution No. 338, regarding Joshua Stephen "Josh" Mudd, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 339, regarding Steven Blair Biehle, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 340, regarding Julia Allen, Sunset Hills, which was adopted.

Senator Caskey offered Senate Resolution No. 341, regarding Ben Jackson, Knob Noster, which was adopted.

Senator Bland offered Senate Resolution No. 342, regarding the Eightieth Birthday of Buddie Swinton, Kansas City, which was adopted.

Senator Loudon offered Senate Resolution No. 343, regarding Nancy Norfleet, Maryland Heights, which was adopted.

Senator Loudon offered Senate Resolution No. 344, regarding Jared Lender, Chesterfield, which was adopted.

Senator Dougherty offered Senate Resolution No. 345, regarding Ryan Christopher Garrison and Daniel Warren Garrison, Edwardsville, Illinois, which was adopted.

Senator Quick offered Senate Resolution No. 346, regarding Scott Underwood, North Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 347, regarding the Frank S. Land Chapter of the Order of DeMolay, which was adopted.

Senator Bray offered Senate Resolution No. 348, regarding the Litzsinger School of the Special School District, St. Louis, which was adopted.

THIRD READING OF SENATE BILLS

SB 281, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal section 49.370, RSMo, and to enact in lieu thereof one new section relating to the location of county property.

Was called from the Consent Calendar and taken up.

SCS for **SB 281**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 281

An Act to repeal section 49.370, RSMo, and to enact in lieu thereof one new section relating to county property.

Was taken up.

Senator Shields moved that **SCS** for **SB 281** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 281** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Dolan--2		
Absent with leave--Senators			
DePasco	Scott--2		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 391, with **SCS**, introduced by Senator Shields, et al, entitled:

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to pain management.

Was called from the Consent Calendar and taken up by Senator Shields.

SCS for **SB 391**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 391

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to pain management.

Was taken up.

Senator Shields moved that **SCS** for **SB 391** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 391** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Dolan--1			
Absent with leave--Senators			
DePasco	Scott--2		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 308, with **SCS**, introduced by Senator Steelman, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to the Missouri calcium initiative, with an emergency clause and an expiration date.

Was called from the Consent Calendar and taken up.

SCS for **SB 308**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 308

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to the Missouri calcium initiative, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **SB 308** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 308** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey

Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Steelman
Stoll	Vogel	Wheeler--31	

NAYS--Senators--None

Absent--Senator Yeckel--1

Absent with leave--Senators

DePasco Scott--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senator Coleman--1

Absent with leave--Senators

DePasco Scott--2

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 303, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to critical care ground ambulance service.

Was called from the Consent Calendar and taken up.

SCS for **SB 303**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 303

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to critical care ground ambulance service.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 303** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 303** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senator Griesheimer--1			
Absent--Senators--None			
Absent with leave--Senators			
DePasco	Scott--2		

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SB 317, introduced by Senators Stoll and Bray, entitled:

An Act to repeal section 103.175, RSMo, and to enact in lieu thereof one new section relating to the imposition of a deadline for a study by the board of trustees of Missouri consolidated health care plan.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **SB 317** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Quick	Shields--2		
Absent with leave--Senators			
DePasco	Scott--2		

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 295**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 521**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 522**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 529**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 540**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 546**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 547**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 392**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 519**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 519, Page 1, Section 162.431, Line 6, by inserting immediately after the word "next" the following: "**general**".

Also,

Mr. President: Your Committee on Education, to which was referred **SB 204**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 31**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 431**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 506**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 455**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 425**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 73**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 358**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 93**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 447**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 407**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 373**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 283**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 34**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 11**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 11

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing, school supplies and personal computers before the start of the school year, with an emergency clause and a termination date.

Was taken up.

Senator Kinder moved that **SCS** for **SB 11** be adopted.

Senator Bartle assumed the Chair.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 11, Page 1, In the Title, Lines 2-5, by striking the following: "a temporary exemption from state and local sales and use tax on retail sales of clothing, school supplies and personal computers before the start of the school year" and inserting in lieu thereof the following: "taxation"; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

"143.181. 1. The Missouri nonresident adjusted gross income shall be that part of the nonresident individual's federal adjusted gross income derived from sources within Missouri, as modified in the same manner as set forth in section 143.121 with respect to resident individuals. It shall be the sum of:

(1) The net amount of items of income, gain, loss, and deduction entering into his **or her** federal adjusted gross income which are derived from or connected with sources in this state including

(a) [His] **The individual's** distributive share of partnership income and deductions determined under section 143.421, and

(b) [His] **The individual's** share of estate or trust income and deductions determined under section 143.391, and

(c) [His] **The individual's** pro rata share of S corporation income and deductions determined under subsection 3 of section 143.471; and

(2) The portion of the modifications described in section 143.121 which relate to income derived from sources in this state, including any modifications attributable to him **or her** as a partner.

2. Items of income, gain, loss, and deduction derived from or connected with sources within this state are those items attributable to:

(1) The ownership or disposition of any interest in real or tangible personal property in this state; [and]

(2) A business, trade, profession, or occupation carried on in this state;

(3) Winnings from a wager placed in a lottery conducted by the state lottery commission, if the proceeds from such wager are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the state lottery commission to the Internal Revenue Service; and

(4) Winnings from any other wager placed in this state or from any wagering transaction, gaming activity, or gambling activity in this state, if the proceeds from such wager, wagering transaction, gaming activity, or gambling activity are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the payer to the Internal Revenue Service.

3. Income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property, shall constitute income derived from sources within this state only to the extent that such income is from:

(1) Property employed in a business, trade, profession, or occupation carried on in this state;

(2) Winnings from a wager placed in a lottery conducted by the state lottery commission, if the proceeds from such wager are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the state lottery commission to the Internal Revenue Service; and

(3) Winnings from any other wager placed in this state or from any wagering transaction, gaming activity, or gambling activity in this state, if the proceeds from such wager, wagering transaction, gaming activity, or gambling activity are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the payer to the Internal Revenue Service.

4. Deductions with respect to capital losses, net long-term capital gains, and net operation losses shall be based solely on income, gains, losses, and deductions derived from sources within this state in the same manner as the corresponding federal deductions under regulations to be prescribed by the director of revenue.

5. If a business, trade, profession, or occupation is carried on partly within and partly without this state, the items of income and deduction derived from or connected with sources within this state shall be determined by apportionment and allocation under regulations to be prescribed by the director of revenue.

6. Compensation paid by the United States for service in the armed forces of the United States performed by a nonresident shall not constitute income derived from sources within this state."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Photographers from the Missouri Cable Telecommunications Association were given permission to take pictures in the Senate Chamber today.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 11, Page 3, Section 144.049, Line 67, by inserting after all of said line the following:

"Section 1. 1. Unless expressly otherwise provided by law, an amendment to the Internal Revenue Code of 1986, as amended, that affects the determination of federal adjusted gross income or federal taxable income shall not affect the determination of Missouri taxable income pursuant to chapter 143, RSMo.

2. Within sixty days after an amendment of the Internal Revenue Code of 1986 is enacted, the director of revenue shall prepare and submit to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a report which outlines:

(1) The changes of the Internal Revenue Code of 1986;

(2) The impact of those changes on state revenue; and

(3) The impact of those changes on the various classes and types of taxpayers."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 2** was withdrawn.

Senator Cauthorn offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 11, Page 2, Section 144.049, Line 25, by inserting after the numeral "2." the following: "**Except as provided in subsection 4 of this section,**"; and further amend line 46, by inserting after the word "subdivision" the following: "**other than a county**"; and

Further amend said bill, Page 3, Section 144.049, Line 55, by inserting after all of said line the following:

"4. The governing body of any county may adopt an ordinance adopting the exemption provided in subsection 2 of this section. Failure to enact such ordinance shall cause any such county's sales tax to be excluded from the sales tax exemption provided in subsection 2 of this section."; and further amend by renumbering the remaining subsections accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Childers, Russell, Stoll and Wheeler.

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Cauthorn	Days	Dolan	Goode
Griesheimer	Mathewson	Scott--7	
	NAYS--Senators		
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Coleman
Dougherty	Foster	Gibbons	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

Senator Jacob offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 11, Page 1, Section A, Line 2, by adding after all of said line the following:

"143.091. **1.** Any term used in sections 143.011 to 143.996 shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required by the provisions of sections 143.011 to 143.996. Any reference in sections 143.011 to 143.996 to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1986, and amendments thereto **enacted on or before January 1, 2003**, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective[, at any time or from time to time,] **on or before January 1, 2003** for the taxable year.

2. Within sixty days after an amendment of the Internal Revenue Code of 1986 is enacted, the director of revenue shall prepare and submit to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a report which outlines:

- (1) The changes of the Internal Revenue Code of 1986;**
- (2) The impact of those changes on state revenue; and**
- (3) The impact of those changes on the various classes and types of taxpayers.**

3. The director of revenue shall make any necessary adjustments to any state tax return form and instructions thereto to reflect any effect of a change to the Internal Revenue Code of 1986, and amendments thereto, enacted on or before January 1, 2003, or to other provisions of the laws of the United States relating to federal income taxes as the same may be or become effective on or before January 1, 2003 for the taxable year."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 11, Page 2, Section 143.091, Line 10, after all of said line, by adding the following:

"4. The provisions of subsections 1 to 3 of this section shall expire December 31, 2008.

5. Beginning January 1, 2009, any term used in sections 143.011 to 143.996 shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required by the provisions of sections 143.011 to 143.996. Beginning January 1, 2009, any reference in sections 143.011 to 143.996 to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1986, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective, at any time or from time to time, for the taxable year."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Kinder, Mathewson and Russell.

SA 4, as amended, failed of adoption by the following vote:

YEAS--Senators

Bland	Bray	Caskey	Childers
Coleman	Days	Dougherty	Gibbons
Goode	Jacob	Kennedy	Mathewson
Quick	Stoll	Wheeler--15	

NAYS--Senators

Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Griesheimer	Gross
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--18		

Absent--Senators--None

Absent with leave--Senator DePasco--1

Senator Kinder moved that **SCS** for **SB 11**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **SB 11**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen L. Berding, 1136 Timberline, Moberly, Randolph County, Missouri 65270, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2004, and until her successor is duly appointed and qualified; vice, Rodney Wead, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda K. Conner, Highway 63 North, P.O. Box 177, Greentop, Schuyler County, Missouri 63546, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2006, and until her successor is duly appointed and qualified; vice, Janet Anderson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

George J. Gladis, 3651 Coffee Tree Court, St. Louis City, Missouri 63129, as a member of the State Mental Health Commission, for a term ending June 28, 2005, and until his successor is duly appointed and qualified; vice, Betty Hearnese, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donna L. Gunning, 3653 Rosant Court, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until her successor is duly appointed and qualified; vice, Mary Richter, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gail L. Robertson, Democrat, 2409 West Donna Drive, Poplar Bluff, Butler County, Missouri 63901, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, Kimberly Mothershead, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 14**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Bartle assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 281**, entitled:

An Act to repeal sections 161.092 and 168.021, RSMo, and to enact in lieu thereof two new sections relating to certificates of license to teach.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 349, 120, 136 and 328**, entitled:

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 75**, entitled:

An Act to repeal section 301.456, RSMo, and to enact in lieu thereof one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 131**, entitled:

An Act to repeal sections 70.605, 70.635, 70.661, 70.685 and 70.795, RSMo, and to enact in lieu thereof four new sections relating to local government employees' retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 152 and 180**, entitled:

An Act to repeal sections 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.720, and 86.745, RSMo, and to enact in lieu thereof thirteen new sections relating to police relief and pension systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 497--Ways and Means.

SB 600--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 602--Ways and Means.

SB 635--Economic Development, Tourism and Local Government.

SB 640--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 645--Pensions and General Laws.

SB 648--Economic Development, Tourism and Local Government.

SB 656--Agriculture, Conservation, Parks and Natural Resources.

SB 657--Agriculture, Conservation, Parks and Natural Resources.

SB 659--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 662--Judiciary and Civil and Criminal Jurisprudence.

SB 687--Ways and Means.

SB 688--Ways and Means.

SB 689--Ways and Means.

SB 690--Ways and Means.

SB 691--Ways and Means.

SB 696--Aging, Families, Mental and Public Health.

SB 698--Commerce and the Environment.

SJR 19--Commerce and the Environment.

SJR 23--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 349, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Dean Black, Amoret, which was adopted.

Senator Gibbons offered Senate Resolution No. 350, regarding Charlie Spencer, Kirkwood, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 5, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Missouri Rural Economic Development Council

Dear Terry:

Pursuant to Section 620.155, RSMo 2002, I am appointing

Senator Dan Clemens to the Missouri Rural Economic Development Council.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Debbie Boughton, Jim McCormick, Connie Johnson, Scott Meredith, Lois Rice, and twenty-four members of Pack 401, Kirksville.

Senator Yeckel introduced to the Senate, Don and Barbara Voss, and their grandson, Zachary; Sandra Poole, and her daughter, Alexis; and Irvin and Marilyn Etzold, St. Louis; and Zachary and Alexis were made honorary pages.

Senator Champion introduced to the Senate, Randy Wright, Springfield.

Senator Bray introduced to the Senate, forty-five fourth grade students from Bruce Elementary School, Maplewood.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIFTH DAY-TUESDAY, MARCH 11, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 573-Dougherty

SB 599-Childers and Gibbons

SB 633-Shields and Kinder

SB 636-Mathewson

SB 643-Yeckel

SB 652-Steelman

SB 658-Cauthorn

SB 661-Wheeler

SB 663-Dolan and Gross

SB 664-Childers

SB 665-Bland

SB 670-Dougherty

SB 671-DePasco

SB 675-Gross, et al

SB 677-Vogel and Russell

SB 678-Vogel and Russell

SB 679-Loudon

SB 680-Loudon

SB 683-Clemens, et al

SB 684-Dougherty

SB 695-Goode and Russell

SJR 21-Cauthorn

HOUSE BILLS ON SECOND READING

HCS for HB 288

HCS for HB 390

HB 91-Mayer

HCS for HB 273

HCS for HB 281

HS for HCS for HBs 349, 120,
136 & 328-Crawford

HB 75-Ruestman, et al

HCS for HB 131

HCS for HBs 152 & 180

THIRD READING OF SENATE BILLS

SS for SB 34-Loudon

SENATE BILLS FOR PERFECTION

1. SB 24-Steelman, with SCS
2. SB 300-Cauthorn, et al, with SCS
3. SB 253-Steelman, et al, with SCS
4. SB 207-Mathewson
5. SB 264-Shields, with SCS
6. SB 280-Scott, et al, with SCS
7. SB 298-Griesheimer, with SCS
8. SB 427-Bartle, et al, with SCS

9. SBs 125 & 290-Goode,

with SCS

10. SB 422-Childers, with SCS

11. SB 2-Russell, with SCS

12. SB 544-Gross, et al, with SCS

13. SB 450-Mathewson, et al,

with SCS

14. SB 305-Jacob and Steelman

15. SB 410-Shields and Goode,

with SCS

16. SB 5-Caskey, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,

with SCS & SS for SCS

(pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields

SB 69-Yeckel and Nodler,

with SCS (pending)

SB 112-Loudon, with SCS

SB 217-Champion and
Clemens, with SS (pending)
SB 347-Loudon, et al, with SCS
SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)
SB 481-Dolan, et al, with
SCS, SS for SCS & SS
for SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey
SB 275-Russell
Reported 2/24

SB 385-Scott, with SCS
SB 54-Griesheimer
SB 423-Childers

SB 356-Stoll

SB 355-Stoll

Reported 3/3

SB 456-Kennedy, et al

SB 478-Gross, with SCS

SB 426-Griesheimer

SB 321-Days

SB 327-Gross and Mathewson

SB 496-Yeckel

SB 388-Klindt, et al

SB 237-Russell, et al, with SCS

SB 421-Mathewson, with SCS

SB 202-Childers, with SCS

SB 175-Loudon

SB 52-Shields, with SCS#2

SB 1-Russell, with SCS#2

Reported 3/4

SB 457-Caskey

SB 467-Bartle

SB 61-Caskey, with SCS

SB 537-Jacob

SB 448-Bartle

SB 394-Bartle

SB 395-Bartle

SB 471-Bartle

SB 470-Bartle

SB 469-Bartle

SB 468-Bartle

Reported 3/10

SB 295-Shields, with SCS

SB 521-Gross

SB 522-Gross

SB 529-Childers

SB 540-Gross

SB 546-Caskey, with SCS

SB 547-Caskey, with SCS

SB 392-Shields

SB 519-Foster, with SCA 1

SB 204-Yeckel, et al

SB 31-Foster, with SCS

SB 431-Gibbons

SB 506-Clemens

SB 455-Dougherty and Shields

SB 425-Scott

SB 73-Bland, with SCS

SB 358-Shields, with SCS

SB 93-Shields

SB 447-Bartle, with SCS

SB 407-Klindt

SB 373-Bartle, with SCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS
(Russell)

RESOLUTIONS

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIFTH DAY--TUESDAY, MARCH 11, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"You are the salt of the earth." (Matthew 5:13)

Creator God, You have called us to be the salt of the earth, to help preserve the health of our state and contribute to the safety of our nation. As salt can be curative as well as corrosive, let us be willing to seek means to end corruption, dishonesty and impurity about us, as God fearing servants of the people. And help us to pray, to speak and work for the welfare of our land. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33	Absent with leave--Senator DePasco--1		

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 351, regarding Mayor Mitchel F. Geisler, Marshall, which was adopted.

Senator Dolan offered Senate Resolution No. 352, regarding Nathan James Hay, O'Fallon, which was adopted.

THIRD READING OF SENATE BILLS

SB 54, introduced by Senator Griesheimer, entitled:

An Act to repeal sections 301.147 and 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, 643.310 and 643.315, RSMo, and to enact in lieu thereof four new sections relating to motor vehicles.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 54** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Jacob	Quick--2		
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 423, introduced by Senator Childers, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Jimmie Linegar Memorial Highway.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 423** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			

Absent--Senators

Quick--2

Absent with leave--Senators

DePasco--2

Goode

Bland

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 356, introduced by Senator Stoll, entitled:

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to organ donations.

Was called from the Consent Calendar and taken up.

On motion of Senator Stoll, **SB 356** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 355, introduced by Senator Stoll, entitled:

An Act to repeal section 301.020, RSMo, and to enact in lieu thereof one new section relating to the organ donor program, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Stoll, **SB 355** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn

Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--31	
	NAYS--Senators--None		
	Absent--Senator Yeckel--1		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 456, introduced by Senator Kennedy, et al, entitled:

An Act to repeal section 87.182, RSMo, and to enact in lieu thereof one new section relating to firemen's retirement systems, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Kennedy.

On motion of Senator Kennedy, **SB 456** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Kinder	Russell	Wheeler--3	
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons

Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Dougherty--1		
	Absent with leave--Senators		
Bland	DePasco--2		

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 478, with **SCS**, introduced by Senator Gross, entitled:

An Act to repeal sections 327.401 and 327.411, RSMo, and to enact in lieu thereof three new sections relating to professional licensing of certain architects.

Was called from the Consent Calendar and taken up.

SCS for **SB 478**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 478

An Act to repeal sections 327.401, 327.411, and 337.030, RSMo, and to enact in lieu thereof four new sections relating to professional licensing.

Was taken up.

Senator Gross moved that **SCS** for **SB 478** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 478** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 426, introduced by Senator Griesheimer, entitled:

An Act to repeal section 105.267, RSMo, and to enact in lieu thereof one new section relating to public officers and employees.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 426** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Russell--1			
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 321, introduced by Senator Days, entitled:

An Act to repeal section 217.730, RSMo, and to enact in lieu thereof one new section relating to voter registration information given upon discharge of an offender.

Was called from the Consent Calendar and taken up.

On motion of Senator Days, **SB 321** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields

Steelman	Stoll	Vogel	Wheeler--28
	NAYS--Senator Kinder--1		
	Absent--Senators		
Clemens	Quick	Yeckel--3	
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 24**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 24**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 24

An Act to repeal sections 660.058, 660.250, 660.260, and 660.300, RSMo, and to enact in lieu thereof six new sections relating to in-home services for the elderly, with penalty provisions.

Was taken up.

Senator Steelman moved that **SCS** for **SB 24** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 24, Page 8, Section 660.302, Line 6, by inserting at the end of said line the following: "**The attorney general and the appropriate prosecuting attorney shall have concurrent authority to prosecute all civil and criminal violations of elder abuse pursuant to sections 660.250 to 660.295.**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SS** for **SCS** for **SB 24**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 24

An Act to repeal sections 198.006, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.105, 198.525, 198.526, 198.532, 208.072, 208.159, 344.050, 565.186, 570.145, 630.140, 630.165, 630.167, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof thirty-nine new sections relating to the protection of the elderly, with penalty provisions and an expiration date for a certain section.

Senator Dougherty moved that **SS** for **SCS** for **SB 24** be adopted.

At the request of Senator Steelman, **SB 24**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 166**, entitled:

An Act to repeal sections 72.080 and 72.130, RSMo, and to enact in lieu thereof two new sections relating to incorporation of cities, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 11**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 165**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 480**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 492**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 548**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 607**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 616**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 399**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 353, regarding Melissa Banning, Lawson, which was adopted.

Senator Yeckel offered Senate Resolution No. 354, regarding Melondy Ann Hall, Holden, which was adopted.

Senator Yeckel offered Senate Resolution No. 355, regarding Kathryn Cooke, Kirkwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 356, regarding Lindsey Claire Kirchhoff, Columbia, which was adopted.

Senator Yeckel offered Senate Resolution No. 357, regarding Bridget Renee Barnes, Mountain Grove, which was adopted.

Senator Yeckel offered Senate Resolution No. 358, regarding Anna Ruth Strathman, Cole Camp, which was adopted.

Senator Yeckel offered Senate Resolution No. 359, regarding Mallory Glosier, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 360, regarding Deborah J. DeGregorio, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 361, regarding Company C, 110th Engineer Battalion, Lexington, which was adopted.

Senator Yeckel offered Senate Resolution No. 362, regarding the 205th Area Support Medical Battalion, Kansas City, which was adopted.

Senator Yeckel offered Senate Resolution No. 363, regarding the 1438th Engineer Company, which was adopted.

Senator Yeckel offered Senate Resolution No. 364, regarding the 135th Military History Detachment, Jefferson City, which was adopted.

Senator Yeckel offered Senate Resolution No. 365, regarding the 1137th Military Police Company, which was adopted.

Senator Yeckel offered Senate Resolution No. 366, regarding the 175th Military Police Battalion, Fulton, which was adopted.

Senator Yeckel offered Senate Resolution No. 367, regarding the 1138th Military Police Company, which was adopted.

Senator Yeckel offered Senate Resolution No. 368, regarding the 1139th Military Police Company, which was adopted.

Senator Yeckel offered Senate Resolution No. 369, regarding the 135th Rear Operations Center, Kansas City, which was adopted.

Senator Yeckel offered Senate Resolution No. 370, regarding John C. Cary, which was adopted.

Senator Yeckel offered Senate Resolution No. 371, regarding Dr. O. Victor Lenz, Jr., St. Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 372, regarding the St. Francis Borgia Regional High School Knights soccer team, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Childers.

THIRD READING OF SENATE BILLS

SS for **SB 34**, introduced by Senator Loudon, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 34

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to informed consent to an abortion.

Was taken up.

On motion of Senator Loudon, **SS** for **SB 34** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
NAYS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Wheeler--8
Absent--Senators			
Dolan	Stoll--2		
Absent with leave--Senators			
DePasco	Quick--2		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

At the request of Senator Cauthorn, **SB 300**, with **SCS**, was placed on the Informal Calendar.

Senator Steelman moved that **SB 253**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 253**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 253

An Act to amend chapter 99, RSMo, by adding thereto twenty-one new sections relating to Missouri downtown economic stimulus act.

Was taken up.

Senator Steelman moved that **SCS** for **SB 253** be adopted.

Senator Steelman offered **SS** for **SCS** for **SB 253**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 253

An Act to amend chapter 99, RSMo, by adding thereto twenty-three new sections relating to Missouri downtown economic stimulus act.

Senator Steelman moved that **SS** for **SCS** for **SB 253** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 253, Page 1, In the Title, Line 3 of said title, by inserting immediately after the word "downtown" the following: "and rural"; and

Further amend said bill and page, Section 99.915, line 7 of said page, by striking "99.980" and inserting in lieu thereof the following: "**99.1060**"; and further amend line 8 of said page, by inserting immediately after the word "Downtown" the following: "and Rural"; and further amend lines 9, 12, 14, 15, and 17 of said page, by striking "99.980" as it appears on each of said lines and inserting in lieu thereof the following: "**99.1060**"; and

Further amend said bill and section, page 2, line 2 of said page, by striking "99.980" and inserting in lieu thereof the following: "**99.1060**"; and

Further amend said bill, page 49, Section 99.980, line 10 of said page, by inserting after all of said line the following:

"99.1003. As used in sections 99.1000 to 99.1060, unless the context clearly requires otherwise, the following terms shall mean:

- (1) "Authority", the rural economic stimulus authority for a municipality, created pursuant to sections 99.1000 to 99.1060;**
- (2) "Baseline year", the calendar year prior to the adoption of an ordinance by the municipality approving a development project;**
- (3) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes, economic activity taxes other than economic activity taxes which are local sales taxes, and other local taxes other than local sales taxes, and, for local sales taxes and state taxes, the director of revenue;**
- (4) "Development area", an area designated by a municipality which area shall have the following characteristics:**
 - (a) It includes only those parcels of real property directly and substantially benefitted by the proposed development plan;**
 - (b) It can be renovated through one or more development projects;**
 - (c) It is contiguous, provided, however that a development area may include up to three noncontiguous areas selected for development projects, provided that each noncontiguous area meets the requirements of paragraphs (a) and (b) of this subdivision;**
 - (d) The development area shall not exceed ten percent of the entire area of the municipality.**

Subject to the limitation set forth in this subdivision, the development area can be enlarged or modified as provided in section 99.1036;

- (5) "Development plan", the comprehensive program of a municipality and to thereby enhance the tax bases of the taxing districts which extend into the development area through the reimbursement, payment, or other financing of development project costs in accordance with sections 99.1000 to 99.1060 and through the exercise of the powers set forth in sections 99.1000 to 99.1060. The development plan shall conform to the requirements of section 99.1027;**
- (6) "Development project", any development project within a development area which creates a renewable fuel production facility, and any such development project shall include a legal description of the area selected for such development project;**
- (7) "Development project area", the area located within a development area selected for a development project;**
- (8) "Development project costs", include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to the development plan or a development project, as applicable, which are expended on public property, buildings, or rights-of-way for public purposes or for public institutions in furtherance of a development project. Such costs include, but are not limited to, the following:**
 - (a) Costs of studies, appraisals, surveys, plans, and specifications;**
 - (b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning, or special services;**
 - (c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;**
 - (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing buildings and fixtures;**
 - (e) Costs of construction of public works or improvements;**

- (f) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations issued to finance all or any portion of the costs of one or more development projects, and which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;
- (g) All or a portion of a taxing district's capital costs resulting from any development project necessarily incurred or to be incurred in furtherance of the objectives of the development plan, to the extent the municipality by written agreement accepts and approves such costs;
- (h) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;
- (i) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted by approval of a development project;
- (j) State government costs, including, but not limited to, the reasonable costs incurred by the department of economic development and the department of revenue in evaluating an application for and administering state supplemental rural development financing for a development project; and
- (k) Endowment of governmental or public institutions of research or higher education.
- (9) "Economic activity taxes", the total additional revenue from taxes which are imposed by the municipality and other taxing districts, and which are generated by economic activities within each development project area over the amount of such taxes generated by economic activities within such development project area in the baseline year, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments;
- (10) "Major initiative", a development project that:
- (a) Promotes the development of a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product, the estimated cost of which is in excess of the amount set forth below for the municipality, as applicable; or
- (b) Promotes business location or expansion, the estimated cost of which is in excess of the amount set forth below for the municipality, and is estimated to create at least as many new jobs as set forth below within three years of such location or expansion:
- Population of Estimated New Jobs**
- Municipality Project Cost Created**
- 99,999 or less \$3,000,000 at least 30;**
- (11) "Municipality", any city, village, incorporated town, or any county of this state established on or prior to January 1, 2001;
- (12) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the authority or other public entity authorized to issue such obligations pursuant to sections 99.1000 to 99.1060 to carry out a development project or to refund outstanding obligations;
- (13) "Ordinance", an ordinance enacted by the governing body of any municipality or an order of the governing body of such a municipal entity whose governing body is not authorized to enact ordinances;
- (14) "Other net new revenues", the amount of state sales tax increment or state income tax increment or the combination of the amount of each such increment as determined under section 99.1045;
- (15) "Payment in lieu of taxes", those revenues from real property in each development project area, which

taxing districts would have received had the municipality not adopted a development plan and the municipality not adopted development financing, and which would result from levies made after the time of the adoption of development financing during the time the current equalized value of real property in such development project area exceeds the total equalized value of real property in such development project area during the baseline year until development financing for such development project area expires or is terminated pursuant to sections 99.1000 to 99.1060;

(16) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source;

(17) "Special allocation fund", the fund of the municipality or its authority required to be established pursuant to section 99.1042 which special allocation fund shall contain at least four separate segregated accounts into which payments in lieu of taxes are deposited in one account, economic activity taxes are deposited in a second account, other net new revenues are deposited in a third account, and other revenues, if any, received by the authority or the municipality for the purpose of implementing a development plan or a development project are deposited in a fourth account;

(18) "State income tax increment", the estimate of the income tax due the state for salaries or wages paid to new employees in new jobs at a business located in the development project area and created by the development project. The estimate shall be a percentage of the gross payroll which percentage shall be based upon an analysis by the department of revenue of the practical tax rate on gross payroll as a factor in overall taxable income. In no event shall the percentage exceed two percent;

(19) "State sales tax increment", the incremental increase in the state sales tax revenue in the development project area. The incremental increase for an existing facility shall be the amount that the state sales tax revenue of the facility exceeds the state sales tax revenue of the facility in the baseline year. The incremental increase for a relocating facility shall be the amount that the state sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar year prior to relocation;

(20) "State sales tax revenues", the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law;

(21) "Taxing districts", any political subdivision of this state having the power to levy taxes; and

(22) "Taxing district's capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from a development project.

99.1006. Each municipality may create an authority to be known as a "Rural Economic Stimulus Authority"; provided, however:

(1) No such authority shall transact any business or exercise its powers under sections 99.1000 to 99.1060 until and unless the governing body of such municipality shall, in accordance with subsection 1 of section 99.1033, approve, by ordinance, the exercise of the powers, functions, and duties of an authority under sections 99.1000 to 99.1060;

(2) No governing body of a municipality shall adopt an ordinance pursuant to subdivision (1) of this section unless it finds:

(a) That it would be in the interest of the public to consider the establishment of a development area in accordance with sections 99.1000 to 99.1060; and

(b) That the development of such a development area would be in the interest of the public health, safety,

morals, or welfare of the residents of such municipality.

99.1009. 1. Each authority shall be governed by a board of commissioners. The number of commissioners serving on the board of each authority shall be no less than five and no more than fourteen, which number shall be established by ordinance of the municipality.

2. One of the initial commissioners appointed pursuant to this subsection shall be appointed by the school district or districts located within the development area for a term of three years. The other initial commissioners appointed pursuant to this subsection shall serve staggered terms of one, two, and three years as determined by the mayor or chief executive officer of the municipality at the time of their appointment. Thereafter, successor commissioners shall be appointed by the mayor or chief executive officer of the municipality or the school district or districts making the initial appointments for a term of three years. All vacancies shall be filled by appointment of the mayor or chief executive officer of the municipality, or the school district or districts, for the unexpired term. In addition to the commissioners appointed in accordance with this subsection, a nonvoting advisor shall be appointed by the other taxing districts located within the development area.

99.1012. 1. The powers of the authority shall be exercised by its board of commissioners. A majority of the commissioners shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the authority and for all other purposes. Action may be taken by the board upon a vote of a majority of the commissioners present in person or by teleconference, unless in any case the bylaws of the authority shall require a larger number. Meetings of the board of the authority may be held anywhere within the municipality.

2. The commissioners of the authority annually shall elect a chair and vice chair from among the commissioners; however, the first chair shall be designated by the mayor for a term of one year. The mayor or chief executive officer of the municipality shall serve as the co-chair of the authority. The authority may employ an executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the municipality or may employ its own counsel and legal staff.

3. A commissioner of an authority shall receive no compensation for his or her services, but may receive the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties. Each commissioner shall hold office until a successor has been appointed.

4. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor or chief executive officer of the municipality.

99.1015. 1. In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of an authority entered into pursuant to sections 99.1000 to 99.1060, such authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers under sections 99.1000 to 99.1060 upon proof of the adoption of the appropriate ordinance prescribed in section 99.1006. Each such ordinance shall be deemed sufficient if it authorizes the exercise of powers under sections 99.1000 to 99.1060 by the authority and sets forth the findings of the municipality as required in subdivision (2) of section 99.1006, but is not required to expressly state the details supporting such findings.

2. A copy of such ordinance duly certified by the clerk of the municipality shall be admissible in evidence in any suit, action, or proceeding.

3. No lawsuit to set aside the creation of an authority, the approval of a development plan, development project, development area or development project area, or a tax levied pursuant to sections 99.1000 to 99.1060, or to otherwise question the validity of the proceedings related thereto, shall be brought after the expiration of ninety days from the effective date of the ordinance or resolution in question.

99.1018. 1. The authority shall constitute a public body corporate and politic, exercising public and essential governmental functions and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of sections 99.1000 to 99.1060, including the following powers in addition to others granted pursuant to sections 99.1000 to 99.1060:

(1) To sue and to be sued; to have a seal and to alter the same at the authority's pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with sections 99.1000 to 99.1060, to carry out the provisions of sections 99.1000 to 99.1060;

(2) To prepare or cause to be prepared and approved development plans and development projects to be considered at public hearings in accordance with sections 99.1000 to 99.1060 and to undertake and carry out development plans and development projects which have been adopted by ordinance;

(3) To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, streets, roads, public utilities, or other facilities for or in connection with any development project; and notwithstanding anything to the contrary contained in sections 99.1000 to 99.1060 or any other provision of law, to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of any development project, and to include in any contract let in connection with any such development project provisions to fulfill such of the conditions as it may deem reasonable and appropriate;

(4) Within a development area, to acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, or obtain options upon, any real or personal property or any interest therein, necessary or incidental to a development project, all in the manner and at such price as the authority determines is reasonably necessary to achieve the objectives of a development plan;

(5) Within a development area, subject to provisions of section 99.1021 with regard to the disposition of real property, to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest therein, all in the manner and at such price and subject to any covenants, restrictions, and conditions as the authority determines is reasonably necessary to achieve the objectives of a development plan; to make any such covenants, restrictions, or conditions as covenants running with the land, and to provide appropriate remedies for any breach of any such covenants, restrictions, or conditions, including the right in the authority to terminate such contracts and any interest in the property created pursuant thereto;

(6) Within a development area, to clear any area by demolition or removal of existing buildings and structures;

(7) To install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements as necessary or desirable for the preparation of a development area for use in accordance with a development plan;

(8) Within a development area, to fix, charge, and collect fees, rents, and other charges for the use of any real or personal property, or any portion thereof, in which the authority has any interest;

(9) To accept grants, guarantees, and donations of property, labor, or other things of value from any public or private source for purposes of implementing a development plan;

(10) In accordance with section 99.1021, to select one or more developers to implement a development plan, or one or more development projects, or any portion thereof;

(11) To charge as a development project cost the reasonable costs incurred by the authority, the department of economic development, the department of revenue or the office of administration in evaluating, administering, or implementing the development plan or any development project;

- (12) To borrow money and issue obligations in accordance with sections 99.1000 to 99.1060 and provide security for any such loans or obligations;**
- (13) To insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of sections 99.1000 to 99.1060;**
- (14) Within a development area, to renovate, rehabilitate, construct, repair, or improve any improvements, buildings, parking garages, fixtures, structures, and other facilities;**
- (15) Within a development area to exercise all powers and perform all functions of a transportation development district pursuant to sections 238.200 to 238.275, RSMo;**
- (16) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem obligations at the redemption price established therein or to purchase obligations at less than redemption price, all obligations so redeemed or purchased to be canceled;**
- (17) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, municipality, or other public body or from any sources, public or private, for the purposes of implementing a development plan, to give such security as may be required and to enter into and carry out contracts in connection therewith. An authority, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government for a project such conditions imposed pursuant to federal law as the authority may deem reasonable and appropriate and which are not inconsistent with the purposes of sections 99.1000 to 99.1060;**
- (18) To incur development project costs and make such expenditures as may be necessary to carry out the purposes of sections 99.1000 to 99.1060; and to make expenditures from funds obtained from the federal government without regard to any other laws pertaining to the making and approval of appropriations and expenditures;**
- (19) To delegate to a municipality or other public body any of the powers or functions of the authority with respect to the planning or undertaking of a development project, and any such municipality or public body is hereby authorized to carry out or perform such powers or functions for the authority;**
- (20) To receive and exercise powers delegated by any authority, agency, or agent of a municipality created pursuant to this chapter or chapter 353, RSMo;**
- (21) To loan the proceeds of obligations issued pursuant to sections 99.1000 to 99.1060 for the purpose of providing for the purchase, construction, extension, and improvement of public infrastructure related to a development project by a developer pursuant to a development contract approved by the authority in accordance with subdivision (2) of section 99.1021;**
- (22) To declare any funds, or any portion thereof, in the special allocation fund to be excess funds, so long as such excess funds have not been pledged to the payment of outstanding obligations or outstanding development project costs, are not necessary for the payment of development project costs incurred or anticipated to be incurred, and are not required to pay baseline state sales taxes and baseline state withholding taxes to the director of revenue. Any such funds deemed to be excess shall be disbursed in the manner of surplus funds as provided in section 99.1051;**
- (23) To pledge or otherwise expend funds deposited to the special allocation fund, or any portion thereof, except any portion that constitutes state sales taxes or state withholding taxes in amounts equal to state sales taxes or state withholding taxes for the baseline year, for the payment or reimbursement of development project costs incurred by the authority, the municipality, a developer selected by the authority in accordance with the provisions of section 99.1021, or any other entity with the consent of the authority; to pledge or otherwise**

expend funds deposited to the special allocation fund, or any portion thereof, except any portion that constitutes baseline state sales taxes or baseline state withholding taxes, or to mortgage or otherwise encumber its property, or any portion thereof, for the payment of obligations issued to finance development project costs; provided, however, any such pledge or expenditure of economic activity taxes or other net new revenues shall be subject to annual appropriation by the municipality; and

(24) To exercise all powers or parts or combinations of powers necessary, convenient, or appropriate to undertake and carry out development plans and any development projects and all the powers granted pursuant to sections 99.1000 to 99.1060, excluding powers of eminent domain.

2. If any member of the governing body of the municipality, a commissioner of the authority, or an employee or consultant of the municipality or authority, involved in the planning and preparation of a development project, owns or controls an interest, direct or indirect, in any property included in a development project area, the individual shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to a development project and from voting on any matter pertaining to such development project or communicating with other commissioners or members of the authority or the municipality concerning any matter pertaining to such development project. Furthermore, subject to the succeeding sentence, no such member, commissioner, employee, or consultant shall acquire any interest, direct or indirect, in any property in a development project area or proposed development project area, after either (a) such individual obtains knowledge of a development project, or (b) first public notice of such development project, or development project area pursuant to subsection 2 of section 99.1036, whichever first occurs. At any time after one year from the adoption of an ordinance designating a development project area, any commissioner may acquire an interest in real estate located in a development project area so long as any such commissioner discloses such acquisition and refrains from voting on any matter related to the development project area in which the property acquired by such commissioner is located.

99.1021. Real property which is acquired by an authority in a development project area may be disposed of as follows:

(1) Within a development project area, the authority may sell, lease, exchange, or otherwise transfer real property, including land, improvements, and fixtures, or any interest therein, to any developer selected for a development project, or any portion thereof, in accordance with the development plan, subject to such covenants, conditions, and restrictions as may be deemed to be in the public interest or to carry out the purposes of sections 99.1000 to 99.1060. Such real property shall be sold, leased, or transferred at its fair market value for uses in accordance with the development plan; provided that such fair market value may be less than the cost of such property to the authority. In determining the fair market value of real property for uses in accordance with a development plan, the authority shall take into account and give consideration to the uses and purposes required by the development plan; the restrictions upon, and the covenants, conditions, and obligations assumed by the developer of such property; the objectives of the development plan; and such other matters as the authority shall specify as being appropriate. In fixing rental and sale prices, an authority shall give consideration to appraisals of the property for such uses made by experts employed by the authority;

(2) The authority shall, by public notice published in a newspaper having a general circulation in a development area, prior to selecting one or more developers for any development project, or any portion thereof, invite proposals from, and make available all pertinent information to, private developers or any persons interested in undertaking the development of such development project, or any portion thereof. Such notice shall be published at least once each week during the two weeks preceding the selection of a developer, shall identify the area of the development project or development projects, or any portion thereof, for which one or more developers are to be selected, and shall state that such further information as is available and may be obtained at the office of the authority. The authority shall consider all proposals and the financial and legal ability of the prospective developers to carry out their proposals. The authority may negotiate and enter into one or more

contracts with any developer selected for the development of any such area for the development of such area by such developer in accordance with a development plan or for the sale or lease of any real property to any such developer in any such area for the purpose of developing such property in accordance with the development plan. The authority may enter into any such contract as it deems to be in the public interest and in furtherance of the purposes of sections 99.1000 to 99.1060; provided that the authority has, not less than ten days prior thereto, notified the governing body in writing of its intention to enter into such contract. Thereafter, the authority may execute such contract in accordance with the provisions of subdivision (1) of this section and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract. In its discretion, the authority may, in accordance with the provisions of this subdivision, dispose of any real property in an area selected for a development project, or any portion thereof, to private developers for development under such reasonable competitive bidding procedures as it shall prescribe, subject to the provisions of subdivision (1) of this section;

(3) In carrying out a development project, the authority may:

(a) Convey to the municipality such real property as, in accordance with the development plan, is to be dedicated as public right-of-way for streets, sidewalks, alleys, or other public ways, this power being additional to and not limiting any and all other powers of conveyance of property to municipalities expressed, generally or otherwise, in sections 99.1000 to 99.1060;

(b) Grant servitudes, easements, and rights-of-way for public utilities, sewers, streets, and other similar facilities, in accordance with the development plan; and

(c) Convey to the municipality or other appropriate public body such real property as, in accordance with the development plan, is to be used for parks, schools, public buildings, facilities, or other public purposes;

(4) The authority may operate and maintain real property in the development area pending the disposition or development of the property in accordance with a development plan, without regard to the provisions of subdivisions (1) and (2) of this section, for such uses and purposes as may be deemed desirable even though not in conformity with the development plan.

99.1027. 1. A development plan shall set forth in writing a general description of the program to be undertaken to accomplish the development projects and related objectives and shall include, but need not be limited to:

(1) The estimated development project costs;

(2) The anticipated sources of funds to pay such development project costs;

(3) Evidence of the commitments to finance such development project costs;

(4) The anticipated type and term of the sources of funds to pay such development project costs;

(5) The anticipated type and terms of the obligations to be issued;

(6) The most recent equalized assessed valuation of the property within the development project area;

(7) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan; and

(8) The general land uses to apply in the development area.

2. The development plan may be adopted by a municipality in reliance on findings that:

(1) The development area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the implementation of one or more

development projects and the adoption of development financing;

(2) The development plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-five years from the adoption of the ordinance approving any development project, of the completion of such development project and retirement of obligations incurred to finance development project costs have been stated, provided that no ordinance approving a development project shall be adopted later than fifteen years from the adoption of the ordinance approving the development plan and provided that no property for a development project shall be acquired by eminent domain later than ten years from the adoption of the ordinance approving such development plan;

(4) In the event any business or residence is to be relocated as a direct result of the implementation of the development plan, a plan has been developed for relocation assistance for businesses and residences; and

(5) A cost-benefit analysis showing the economic impact of the development plan on the municipality and school districts that are at least partially within the boundaries of the development area. The analysis shall show the impact on the economy if the development projects are not built pursuant to the development plan under consideration. The cost-benefit analysis shall include a fiscal impact study on each municipality and school district which is at least partially within the boundaries of the development area, and sufficient information from the authority to evaluate whether each development project as proposed is financially feasible.

99.1030. In the event a county of this state desires to designate a development area located in whole or in part within the boundaries of another municipality, such county shall first obtain the permission of the governing body of such other municipality.

99.1033. 1. A municipality may:

(1) Approve by ordinance the exercise by the authority of the powers, functions, and duties of the authority pursuant to sections 99.1000 to 99.1060;

(2) After adopting an ordinance in accordance with subdivision (1) of this subsection and after receipt of recommendations from the authority in accordance with subsection 2 of this section, by ordinance, designate development areas and adopt the development plans, development projects, designate a development project area for each development project adopted, and adopt development financing for each such development project area. No development plan may be adopted until the development area is designated. No development project shall be adopted until the development plan is adopted and the development project area for each development project shall be designated at the time of adopting the development project; and

(3) Exercise the powers, duties, or functions of the authority under sections 99.1000 to 99.1060.

2. The authority shall hold public hearings and provide notice pursuant to sections 99.1042 and 99.1045. Within ten days following the completion of any such public hearing, the authority shall vote on, and shall make recommendation to the governing body of the municipality with regard to, any development plan, development projects, designation of a development area, or amendments thereto which were proposed at such public hearing.

99.1036. 1. Prior to the adoption of the ordinance designating a development area, adopting a development plan, or approving a development project, the authority shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed development area or development project area affected. Such notice shall comply with the provisions of subsection 2 of this section. At the public hearing any interested person or affected taxing district may file with the authority written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The authority shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered

upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the development plan, development project, development area, or development project area, provided that written notice of such changes is available at the public hearing. After the public hearing but prior to the adoption of an ordinance designating a development area, adopting a development plan, or approving a development project, changes may be made to any such proposed development plan, development project, development area, or development project area without a further hearing, if such changes do not enlarge the exterior boundaries of the development area, and do not substantially affect the general land uses established in a development plan or development project, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the development area or development project area, as applicable, not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance designating the development area, adopting a development plan, approving a development project, or designating a development project area, no ordinance shall be adopted altering the exterior boundaries of the development area or a development project area, affecting the general land uses established pursuant to the development plan or the general nature of a development project without holding a public hearing in accordance with this section. One public hearing may be held for the simultaneous consideration of a development area, development plan, development project, or development project area.

2. Notice of the public hearing required by section 99.1036 shall be given by publication and mailing. Notice by publication shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to the hearing, in a newspaper of general circulation in the proposed development area or development project area, as applicable. Notice by mailing shall be given by depositing such notice in the United States mail by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed development area or development project area, as applicable, which is to be subjected to the payment or payments in lieu of taxes and economic activity taxes pursuant to section 99.1042. Such notice shall be mailed not less than ten days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property.

3. The notices issued pursuant to this section shall include the following:

- (1) The time and place of the public hearing;
- (2) The general boundaries of the proposed development area or development project area, as applicable, by street location, where possible;
- (3) A statement that all interested persons shall be given an opportunity to be heard at the public hearing;
- (4) A description of the development plan and the proposed development projects and a location and time where the entire development plan or development projects proposed may be reviewed by any interested party;
- (5) An estimate of other net new revenues; and
- (6) Such other matters as the authority may deem appropriate.

4. Not less than forty-five days prior to the date set for the public hearing, the authority shall give notice by mail as provided in subsection 2 of this section to all taxing districts with jurisdiction over taxable property in the development area or development project area, as applicable, and in addition to the other requirements pursuant to subsection 3 of this section, the notice shall include an invitation to each taxing district to submit comments to the authority concerning the subject matter of the hearing prior to the date of the hearing.

5. A copy of any and all hearing notices required by section 99.1036 shall be submitted by the authority to the director of the department of economic development and the time such notices are mailed or published, as applicable.

99.1039. 1. For the purpose of financing development project costs, obligations may be issued by the municipality, or, at the request of the municipality, by the authority or any other political subdivision authorized to issue bonds, but in no event by the state, to pay or reimburse development project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance or resolution authorizing the issuance of such obligations.

2. Obligations issued pursuant to sections 99.1000 to 99.1060 may be issued in one or more series bearing interest at such rate or rates as the issuing entity shall determine by ordinance or resolution. Such obligations shall bear such date or dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms, and conditions, and be subject to redemption as such ordinance or resolution shall provide. Obligations issued pursuant to sections 99.1000 to 99.1060 may be sold at public or private sale at such price as shall be determined by the issuing entity and shall state that obligations issued pursuant to sections 99.1000 to 99.1060 are special obligations payable solely from the funds specifically pledged. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to sections 99.1000 to 99.1060.

3. In the event the obligations contain a recital that they are issued pursuant to sections 99.1000 to 99.1060, such recital shall be conclusive evidence of their validity and of the regularity of their issuance.

4. Neither the municipality, the authority, or any other entity issuing such obligations, or the members, commissioners, directors, or the officers of any such entities nor any person executing any obligation shall be personally liable for such obligation by reason of the issuance thereof. The obligations issued pursuant to sections 99.1000 to 99.1060 shall not be a general obligation of the state, the municipality, or any political subdivision thereof, nor in any event shall such obligation be payable out of any funds or properties other than those specifically pledged as security for such obligations. The obligations shall not constitute indebtedness within the meaning of any constitutional, statutory, or charter debt limitation or restriction.

5. Obligations issued pursuant to sections 99.1000 to 99.1060 may be issued to refund, in whole or in part, obligations theretofore issued by such entity under the authority of sections 99.1000 to 99.1060, whether at or prior to maturity; provided, however, that the last maturity of the refunding obligations shall not be expressed to mature later than the last maturity date of the obligations to be refunded.

6. In the event a municipality or authority issues obligations under home rule powers or other legislative authority, the proceeds of which are pledged to pay for development project costs, the municipality may retire such obligations from funds in the special allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of sections 99.1000 to 99.1060.

99.1042. 1. A municipality, after designating a development area, adopting a development plan, and adopting any development project in conformance with the procedures of sections 99.1000 to 99.1060, may adopt development financing for the development project area selected for any such development project by passing an ordinance. Upon the adoption of the first of any such ordinances, the municipality shall establish, or shall direct the authority to establish, a special allocation fund for the development area.

2. Immediately upon the adoption of a resolution or ordinance adopting development financing for a development project area pursuant to subsection 1 of this section, the county assessor shall determine the total equalized assessed value of all taxable real property within such development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such development project area as of the date of the adoption of such resolution or ordinance and shall provide to the clerk of the municipality written certification of such amount as the total initial equalized assessed value of the taxable real property within such development project area.

3. In each of the twenty-five calendar years following the adoption of an ordinance adopting development financing for a development project area pursuant to subsection 1 of this section unless and until development financing for such development project area is terminated by ordinance of the municipality, the ad valorem

taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such development project area by taxing districts at the tax rates determined in the manner provided in section 99.1054 shall be divided as follows:

(1) That portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property in such development project area which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be allocated to and, when collected, shall be paid by the collecting authority to the respective affected taxing districts in the manner required by law in the absence of the adoption of development financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the development project area and any applicable penalty and interest over and above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be allocated to and, when collected, shall be paid to the collecting officer of the municipality who shall deposit such payment in lieu of taxes into a separate segregated account for payments in lieu of taxes within the special fund. Payments in lieu of taxes which are due and owing shall constitute a lien against the real property from which such payments in lieu of taxes are derived and shall be collected in the same manner as real property taxes, including the assessment of penalties and interest where applicable. The lien of payments in lieu of taxes may be foreclosed in the same manner as the lien of real property taxes. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in any such development project area attributable to any increase above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until development financing for such development project area expires or is terminated in accordance with sections 99.1000 to 99.1060;

(3) For purposes of this section, "levies upon taxable real property in such development area by taxing districts" shall not include the blind pension fund tax levied under the authority of section 38(b), article III, of the Missouri Constitution, the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, the desegregation sales tax, or the conservation taxes.

4. In each of the twenty-five calendar years following the adoption of an ordinance or resolution adopting development financing for a development project area pursuant to subsection 1 of this section unless and until development financing for such development project area is terminated in accordance with sections 99.1000 to 99.1060, fifty percent of the economic activity taxes from such development project area shall be allocated to, and paid by the collecting officer of any such economic activity tax to, the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account for economic activity taxes within the special allocation fund.

99.1045. 1. A municipality may submit an application to the Missouri agricultural and small business development authority created pursuant to section 348.020, RSMo, for approval of the use of other net new revenues to fund one or more development projects through state supplemental rural development financing. An application submitted to the Missouri agricultural and small business development authority shall contain the following, in addition to the items set forth in section 99.1027:

(1) An estimate that one hundred percent of the payments in lieu of taxes and economic activity taxes deposited to the special allocation fund must and will be used to pay development project costs or obligations issued to finance development project costs to achieve the objectives of the development plan. Contributions to the development project from any private not-for-profit organization or local contributions from tax abatement or other sources may be substituted on a dollar for dollar basis for the local match of one hundred percent of payments in lieu of taxes and economic activity taxes from the fund;

- (2) Identification of the existing businesses located within the development project area and the development area;**
- (3) The aggregate baseline year amount of state sales tax revenues and the aggregate baseline year amount of state income tax withheld on behalf of existing employees, reported by existing businesses within the development project area. Provisions of section 32.057 notwithstanding, the department of revenue will provide this information to municipalities within forty-five business days of receiving a request from a municipality for such information;**
- (4) An estimate of the state sales tax increment and state income tax increment within the development project area after redevelopment;**
- (5) An affidavit that is signed by the developer or developers attesting that the provision of subdivision (2) of subsection 3 of section 99.1027 has been met and specifying that the development area would not be reasonably anticipated to be developed without the appropriation of the other net new revenues;**
- (6) The amounts and types of other net new revenues sought by the applicant as state supplemental rural development financing;**
- (7) The methodologies and underlying assumptions used in determining the estimate of the state sales tax increment and the state income tax increment;**
- (8) Any other information reasonably requested by the Missouri agricultural and small business development authority.**

2. The Missouri agricultural and small business development authority shall make all reasonable efforts to process applications within sixty days of receipt of the application.

3. The Missouri agricultural and small business development authority shall make a determination regarding state supplemental rural development financing and shall forward such determination to the director of the department of economic development. In no event shall the amount of state supplemental rural development financing approved for a project, in addition to any other economic development funding or incentives, exceed the projected state benefit of the development project, as determined by the department of economic development. Upon approval of state supplemental rural development financing, a certificate of approval shall be issued by the department of economic development containing the terms and limitations of the financing.

4. At no time shall the annual amount of other net new revenues approved for state supplemental rural development financing exceed one hundred million dollars.

5. Development projects receiving other net new revenues shall be limited to receiving such revenues for fifteen years, unless specific approval for a longer term is given by the director of the department of economic development, as set forth in the certificate of approval; except that, in no case shall the duration exceed twenty-five years. The approved term notwithstanding, state supplemental rural development financing shall terminate when development financing for a development project is terminated by a municipality;

6. The municipality shall deposit other net new revenues in a separate segregated account for other net new revenues within the special allocation fund.

7. The department of economic development may charge a reasonable fee, to be submitted with an application for state supplemental rural development financing, in an amount reasonably estimated to recover the costs for personnel and other expenses incurred by the department of revenue, the department of economic development, and the Missouri agricultural and small business development authority in processing the application. Such fees shall be deposited into the state supplemental rural development fund created pursuant to section 99.1048.

8. Development project costs may include, at the prerogative of the state, the portion of salaries and expenses of

the department of economic development and the department of revenue reasonably allocable to each development project approved for state supplemental rural development financing for the ongoing administrative functions associated with such development project. Such amounts shall be deposited into the state supplemental rural development fund created pursuant to section 99.1048.

9. A development project approved for state supplemental rural development financing may not thereafter elect to receive tax increment financing pursuant to the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, and continue to receive state supplemental rural development financing pursuant to sections 99.1000 to 99.1060.

10. The director of the department of economic development shall issue regulations and publish forms to implement the provisions of this section and section 99.1048.

99.1048. 1. There is hereby established within the state treasury a special fund to be known as the "State Supplemental Rural Development Fund", to be administered by the department of economic development. The fund shall consist of money:

- (1) Appropriated from the general revenue fund;
- (2) Received from fees charged pursuant to subsection 7 of section 99.1045;
- (3) Received from costs charged pursuant to subsection 8 of section 99.1045; and
- (4) From any gifts, contributions, grants, or bequests received from federal, private, or other sources.

2. The general assembly may annually appropriate, into the state supplemental rural development fund an amount not to exceed an amount equal to the lesser of:

- (1) Other net new revenues generated by the development projects during the prior fiscal year plus twelve million dollars; or
- (2) One hundred fifty million dollars.

3. The department of economic development shall annually disburse state supplemental rural development financing from the state supplemental rural development fund in amounts determined pursuant to the certificates of approval for projects, providing all of the conditions of sections 99.1000 to 99.1060 are met. If the revenues appropriated into the state supplemental rural development fund are not sufficient to equal the amounts determined to be disbursed pursuant to such certificates of approval, the department of economic development shall disburse the revenues on a pro rata basis to all such projects and other costs approved pursuant to section 5 of this section.

4. Money in the state supplemental rural development fund may be spent for the reasonable and necessary costs associated with the administration of the program authorized under sections 99.1000 to 99.1060.

5. No municipality shall obligate or commit the expenditure of other net new revenues prior to receiving a certificate of approval for the development project generating such other net new revenues.

99.1051. 1. When all development project costs and all obligations issued to finance development project costs have been paid in full, the municipality shall adopt an ordinance terminating development financing for all development project areas. Immediately upon the adoption of such ordinance, all payments in lieu of taxes, all economic activity taxes, and other net new revenues then remaining in the special allocation fund shall be deemed to be surplus funds; and thereafter, the rates of the taxing districts shall be extended and taxes levied, collected, and distributed in the manner applicable in the absence of the adoption of development financing. Surplus payments in lieu of taxes shall be paid to the county collector who shall immediately thereafter pay such funds to the taxing districts in the development area selected in the same manner and proportion as the

most recent distribution by the collector to the affected taxing districts of real property taxes from real property in the development area. Surplus economic activity taxes shall be paid to the taxing districts in the development area in proportion to the then current levy rates of such taxing districts that are attributable to economic activity taxes. Surplus other net new revenues shall be paid to the state. Any other funds remaining in the special allocation fund following the adoption of an ordinance terminating development financing in accordance with this section shall be deposited to the general fund of the municipality.

2. Upon the payment of all development project costs, retirement of obligations, and the distribution of any surplus funds pursuant to this section, the municipality shall adopt an ordinance dissolving the special allocation fund and terminating the designation of the development area as a development area.

3. Nothing in sections 99.1000 to 99.1060 shall be construed as relieving property in such areas from paying a uniform rate of taxes, as required by article X, section 3 of the Missouri Constitution.

99.1054. In each of the twenty-five calendar years following the adoption of an ordinance adopting development financing for a development project area, unless and until development financing for such development project area is terminated by ordinance of the municipality, then, in respect to every taxing district containing such development project area, the county clerk, or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within such development project area for the purpose of computing any debt service levies to be extended upon taxable property within such development project area, shall in every year that development financing is in effect ascertain the amount of value of taxable property in such development project area by including in such amount the certified total initial equalized assessed value of all taxable real property in such development project area in lieu of the equalized assessed value of all taxable real property in such development project area. For the purpose of measuring the size of payments in lieu of taxes under sections 99.1000 to 99.1060, all tax levies shall then be extended to the current equalized assessed value of all property in the development project area in the same manner as the tax rate percentage is extended to all other taxable property in the taxing district.

99.1057. Beginning in 2008, and every five years thereafter, a joint committee of the general assembly, comprised of five members appointed by the speaker of the house of representatives and five members appointed by the president pro tempore of the senate, shall review sections 99.1000 to 99.1060. A report based on such review, with any recommended legislative changes, shall be submitted to the speaker of the house of representatives and the president pro tempore of the senate no later than February first following the year in which the review is conducted.

99.1060. 1. By the last day of February each year, the authority shall report to the director of the department of economic development the name, address, phone number, and primary line of business of any business which relocates to the development area.

2. Each year the governing body of the municipality, or its designee, shall prepare a report concerning the status of the development plan, the development area, and the included development projects, and shall submit a copy of such report to the director of the department of economic development. The report shall include the following:

- (1) The amount and source of revenue in the special allocation fund;
- (2) The amount and purpose of expenditures from the special allocation fund;
- (3) The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;
- (4) The original assessed value of the development area;
- (5) The assessed valuation added to the development area;

- (6) Payments made in lieu of taxes received and expended;**
- (7) The economic activity taxes generated within the development area in the baseline year;**
- (8) The economic activity taxes generated within the development area after the baseline year;**
- (9) Reports on contracts made incident to the implementation and furtherance of a development area, the development plan, and the included development projects;**
- (10) A copy of the development plan;**
- (11) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired, or remodeled;**
- (12) The number of parcels acquired by or through initiation of eminent domain proceedings;**
- (13) For municipalities with more than four hundred thousand inhabitants, the number of development projects developed in connection with community development corporations and the amount of funds generated pursuant to section 99.1042 which are expended in connection with such project; and**
- (14) Any additional information the department of economic development deems necessary.**

3. Data contained in the report mandated pursuant to the provisions of subsection 1 of this section and any information regarding amounts disbursed to municipalities pursuant to the provisions of sections 99.1042 and 99.1045 shall be deemed a public record, as defined in section 610.010, RSMo.

4. The director of the department of economic development shall submit a report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate no later than April thirtieth of each year. The report shall contain a summary of all information received by the director of economic development pursuant to subsection 2 of this section.

5. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the development area, the development plan, and the development projects in the development plan, the amount of outstanding obligations, and any additional information that the municipality deems necessary shall be published in a newspaper of general circulation in the municipality.

6. Five years after the establishment of the development area and the development plan and every five years thereafter the governing body of the authority shall hold a public hearing regarding the development area and the development plan and the development projects adopted pursuant to sections 99.1000 to 99.1060. The purpose of the hearing shall be to determine if the development area, development plan, and the included development projects are making satisfactory progress under the proposed time schedule contained within the approved development plan for completion of such development projects. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the authority once each week for four weeks immediately prior to the hearing."; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Shields assumed the Chair.

At the request of Senator Steelman, **SB 253**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 573--Aging, Families, Mental and Public Health.

SB 633--Economic Development, Tourism and Local Government.

SB 643--Judiciary and Civil and Criminal Jurisprudence.

SB 652--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 658--Small Business, Insurance and Industrial Relations.

SB 661--Transportation.

SB 663--Ways and Means.

SB 664--Judiciary and Civil and Criminal Jurisprudence.

SB 665--Small Business, Insurance and Industrial Relations.

SB 671--Commerce and the Environment.

SB 679--Judiciary and Civil and Criminal Jurisprudence.

SB 680--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 683--Agriculture, Conservation, Parks and Natural Resources.

SB 684--Aging, Families, Mental and Public Health.

SB 695--Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 11** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 373, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Elzie Berry, Clinton, which was adopted.

Senator Vogel offered Senate Resolution No. 374, regarding Patricia E. Russell, Lohman, which was adopted.

Senator Kinder offered Senate Resolution No. 375, regarding Phi Theta Kappa's All-Missouri Academic Team, which was adopted.

Senator Klindt offered Senate Resolution No. 376, regarding Barbara J. Gates, Bethany, which was adopted.

Senator Klindt offered Senate Resolution No. 377, regarding Blake Baugher, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 378, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred Ayres, Winston, which was adopted.

Senator Klindt offered Senate Resolution No. 379, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Moyer, Parnell, which was adopted.

Senator Klindt offered Senate Resolution No. 380, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

Charles Hurst, Savannah, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 11, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Legislative Research

Dear Terry:

Pursuant to Section 23.010, RSMo 2002, I am appointing Senator Ken Jacob to the Joint Committee on Legislative Research.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Jordan Taylor, and his parents, Brad and Kim, and Paul and Cheri Walters, Greenfield; and Judy Harper and Barbara Long, Joplin; and Jordan was made an honorary page.

Senator Scott introduced to the Senate, Dave and Rosie Speering, Lamar; and Tom and Gwen Huber, Golden City.

Senator Jacob introduced to the Senate, students from Mill Creek Middle School, Columbia; and Grant Heisler, Kate Dixon, Victoria Jackson, and Connor Darrough were made honorary pages.

On behalf of Senator Dougherty and himself, Senator Dolan introduced to the Senate, Christina Carr and Cathy Beaudoin, O'Fallon.

Senator Gross introduced to the Senate, Carol Emison, Ruth Bruns, and Darleen Bilyk, St. Charles.

On behalf of Senator Caskey and himself, Senator Cauthorn introduced to the Senate, Donna Crowell, Harrisonville; and Matt Crowell, Kirksville.

Senator Jacob introduced to the Senate, Mizue and Sumari Kawata, Ida City, Nagano, Japan; former State Senator Mary Gant Newquist, Jefferson City; and Barb and Chandra Pasard, Kansas City.

Senator Cauthorn introduced to the Senate, Geri Graves, Hannibal; and Mary Wilt, Shelbyville.

Senator Bray introduced to the Senate, Amy Kirchner, and fourth grade students from Bruce Elementary School, Maplewood.

Senator Russell introduced to the Senate, David Jett, ten eighth grade students, and adults from Raymondville Middle School, Raymondville.

Senator Russell introduced to the Senate, Lance Vestal, Conway; and Gwen Riggs, Jan Delcour, and Linda McQuarter, Lebanon.

Senator Russell introduced to the Senate, Charles Schumacher, Mountain Grove.

Senator Kinder introduced to the Senate, representatives of the Missouri Federation of Republican Women.

Senator Yeckel introduced to the Senate, Lauren Maschmann, and sixty fourth grade students from Truman Elementary School, St. Louis.

Senator Russell introduced to the Senate, Alex Young, and his father, Garry, Heather Dameron, Tracy Klein, and Duane and Shirley Burris, Lebanon; and Mrs. Corbett, President of the State Republican Women's Club; and Alex was made an honorary page.

Senator Scott introduced to the Senate, Freda Custer, Patty Bremer, and Doris Hutton, Hickory County.

Senator Yeckel introduced to the Senate, Joanne Breckenridge Scholars: Deborah J. DeGregorio, Mallory Glosier, Kathryn Cooke, Melondy Ann Hall, Melissa Banning, Anna Ruth Strathman, Bridget Renne Barnes, and Lindsey Claire Kirchhoff.

Senator Gibbons introduced to the Senate, Tom and Wendy Cooke, and their daughter, Kathryn, Kirkwood.

Senator Griesheimer introduced to the Senate, Virginia Froelker and Alice Merrill, Gerald; and Karen Schlottach, Owensville.

Senator Scott introduced to the Senate, Anne Strautman, Cole Camp.

Senator Wheeler introduced to the Senate, Roena Haynie, Ph.D., and representatives of Avila University, Kansas City.

Senator Nodler introduced to the Senate, Gary Duncan, Joplin.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Jim Gibbons, M.D., St. Louis.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SIXTH DAY-WEDNESDAY, MARCH 12, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 599-Childers and Gibbons

SB 636-Mathewson

SB 670-Dougherty

SB 675-Gross, et al

SB 677-Vogel and Russell

SB 678-Vogel and Russell

SJR 21-Cauthorn

HOUSE BILLS ON SECOND READING

HCS for HB 288

HCS for HB 390

HB 91-Mayer

HCS for HB 273

HCS for HB 281

HS for HCS for HBs 349,
120, 136 & 328-Crawford

HB 75-Ruestman, et al

HCS for HB 131

HCS for HBs 152 & 180

HCS for HB 166

THIRD READING OF SENATE BILLS

SCS for SB 11-Kinder
and Scott
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 207-Mathewson
2. SB 264-Shields, with SCS
3. SB 280-Scott, et al, with SCS
4. SB 298-Griesheimer,
with SCS
5. SB 427-Bartle, et al, with SCS
6. SBs 125 & 290-Goode,
with SCS
7. SB 422-Childers, with SCS
8. SB 2-Russell, with SCS
9. SB 544-Gross, et al, with
SCS
10. SB 450-Mathewson, et al,
with SCS
11. SB 305-Jacob and Steelman
12. SB 410-Shields and Goode,
with SCS
13. SB 5-Caskey, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,
with SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields

SB 69-Yeckel and Nodler,
with SCS (pending)

SB 112-Loudon, with SCS

SB 217-Champion and
Clemens, with SS (pending)

SB 253-Steelman, et al, with
SCS, SS for SCS & SA 1
(pending)

SB 300-Cauthorn, et al,
with SCS

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)

SB 481-Dolan, et al, with
SCS, SS for SCS & SS
for SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 385-Scott, with SCS

Reported 3/3

SB 327-Gross and Mathewson

SB 496-Yeckel

SB 388-Klindt, et al

SB 237-Russell, et al, with SCS

SB 421-Mathewson, with SCS

SB 202-Childers, with SCS

SB 175-Loudon

SB 52-Shields, with SCS#2

SB 1-Russell, with SCS#2

Reported 3/4

SB 457-Caskey

SB 467-Bartle

SB 61-Caskey, with SCS

SB 537-Jacob

SB 448-Bartle

SB 394-Bartle

SB 395-Bartle

SB 471-Bartle

SB 470-Bartle

SB 469-Bartle

SB 468-Bartle

Reported 3/10

SB 295-Shields, with SCS

SB 521-Gross

SB 522-Gross

SB 529-Childers

SB 540-Gross

SB 546-Caskey, with SCS

SB 547-Caskey, with SCS

SB 392-Shields

SB 519-Foster, with SCA 1

SB 204-Yeckel, et al

SB 31-Foster, with SCS

SB 431-Gibbons

SB 506-Clemens

SB 455-Dougherty and Shields

SB 425-Scott

SB 73-Bland, with SCS

SB 358-Shields, with SCS

SB 93-Shields

SB 447-Bartle, with SCS

SB 407-Klindt

SB 373-Bartle, with SCS

SB 283-Klindt

Reported 3/11

SB 165-Bland

SB 480-Dolan

SB 492-Scott

SB 548-Champion

SB 607-Loudon

SB 616-Nodler

SB 399-Caskey

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY--WEDNESDAY, MARCH 12, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Faith lives only as long as it struggles." (Martin Luther)

Heavenly Father, we are often so busy and restless so much of the time that we seem never to get our faith to be as good as we desire it. So we pray that with Your help we may find time each day to struggle and wrestle with our doubts, explore our faith and willingly cry unto You to help us with our unbelief in order that our faith may grow. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
Absent with leave--Senators			
DePasco	Quick--2		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 381, regarding Angelita L. Carano-King, which was adopted.

Senator Clemens offered Senate Resolution No. 382, regarding Amanda Barke, which was adopted.

Senator Clemens offered Senate Resolution No. 383, regarding Robert W. Aye, Willard, which was adopted.

Senator Dougherty offered Senate Resolution No. 384, regarding Kenedy and Wyatt Fischer, Jefferson City, which

was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Mathewson, **SB 207** was placed on the Informal Calendar.

At the request of Senator Shields, **SB 264**, with **SCS**, was placed on the Informal Calendar.

Senator Scott moved that **SB 280**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 280**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 280

An Act to repeal sections 105.711, 258.100, 307.178, 430.225, 508.010, 508.040, 510.263, 512.020, 537.067, 538.210, and 538.225, RSMo, and to enact in lieu thereof seventeen new sections relating to tort reform.

Was taken up.

Senator Scott moved that **SCS** for **SB 280** be adopted.

Photographers from the Associated Press and KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Bartle offered **SS** for **SCS** for **SB 280**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 280

An Act to repeal sections 105.711, 258.100, 307.178, 430.225, 508.010, 508.040, 508.120, 509.290, 510.263, 512.020, 537.067, 538.210, and 538.225, RSMo, and to enact in lieu thereof twenty new sections relating to tort reform.

Senator Bartle moved that **SS** for **SCS** for **SB 280** be adopted.

Senator Scott offered **SS** for **SS** for **SCS** for **SB 280**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 280

An Act to repeal sections 105.711, 258.100, 307.178, 355.176, 408.040, 430.225, 508.010, 508.040, 508.120, 509.290, 510.263, 512.020, 537.067, 538.205, 538.210, and 538.225, RSMo, and to enact in lieu thereof twenty-nine new sections relating to tort reform.

Senator Scott moved that **SS** for **SS** for **SCS** for **SB 280** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Pages 1-9, Section 105.711, by striking all of said section from the bill; and

Further amend said bill, Pages 9-11, Section 258.100, by striking all of said section from the bill; and

Further amend said bill, Pages 11-13, Section 307.178, by striking all of said section from the bill; and

Further amend said bill, Pages 13-14, Section 355.176, by striking all of said section from the bill; and

Further amend said bill, Pages 14-15, Section 408.040, by striking all of said section from the bill; and

Further amend said bill, Pages 15-16, Section 430.225, by striking all of said section from the bill; and

Further amend said bill, Pages 16-18, Section 508.010, by striking all of said section from the bill; and

Further amend said bill, Page 18, Section 508.040, by striking all of said section from the bill; and

Further amend said bill, Pages 18-21, Section 508.075, by striking all of said section from the bill; and

Further amend said bill, Pages 21-22, Section 508.120, by striking all of said section from the bill; and

Further amend said bill, Page 22, Section 509.290, by striking all of said section from the bill; and

Further amend said bill, Pages 22-25, Section 510.263, by striking all of said section from the bill; and

Further amend said bill, Pages 25-26, Section 512.020, by striking all of said section from the bill; and

Further amend said bill, Page 26, Section 512.099, by striking all of said section from the bill; and

Further amend said bill, Pages 26-28, Section 537.067, by striking all of said section from the bill; and

Further amend said bill, Page 28, Section 537.071, by striking all of said section from the bill; and

Further amend said bill, Pages 28-29, Section 537.072, by striking all of said section from the bill; and

Further amend said bill, Pages 29-32, Section 537.327, by striking all of said section from the bill; and

Further amend said bill, Pages 32-33, Section 537.530, by striking all of said section from the bill; and

Further amend said bill, Page 34, Section 537.767, by striking all of said section from the bill; and

Further amend said bill, Pages 34-36, Section 538.205, by striking all of said section from the bill; and

Further amend said bill, Pages 36-38, Section 538.210, by striking all of said section from the bill; and

Further amend said bill, Pages 38-40, Section 538.213, by striking all of said section from the bill; and

Further amend said bill, Page 40, Section 538.224, by striking all of said section from the bill; and

Further amend said bill, Pages 40-41, Section 538.225, by striking all of said section from the bill; and

Further amend said bill, Pages 41-42, Section 538.227, by striking all of said section from the bill; and

Further amend said bill, Pages 42-43, Section 538.234, by striking all of said section from the bill; and

Further amend said bill, Page 43, Section 538.301, by striking all of said section from the bill; and

Further amend said bill, Page 43, Section 1, by striking all of said section from the bill; and

Further amend said bill, Pages 43-44, Section 355.176, by striking all of said section from the bill; and

Further amend said bill, Pages 44-45, Section 430.225, by striking all of said section from the bill and inserting in lieu thereof the following:

"508.010. Suits instituted by summons shall, except as otherwise provided by law, be brought:

- (1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;
- (2) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;
- (3) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;
- (4) When all the defendants are nonresidents of the state, suit may be brought in any county in this state;
- (5) Any action, local or transitory, in which any county shall be plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants, or one of them, may be found;
- (6) In all tort actions the suit may be brought in the county where the cause of action accrued regardless of the residence of the parties, and process therein shall be issued by the court of such county and may be served in any county within the state; provided, however, that in any action for defamation or for invasion of privacy the cause of action shall be deemed to have accrued in the county in which the defamation or invasion was first published;
- (7) In all tort actions based upon claims of improper health care, except as provided in section 508.070, the suit may only be brought in either:**
 - (a) The county in which the cause of action occurred;**
 - (b) The county in which the defendant resides; or**
 - (c) The county in which the corporate defendant's registered agent may be found.**

510.263. 1. All actions tried before a jury involving punitive damages, **including tort actions based upon improper health care**, shall be conducted in a bifurcated trial before the same jury if requested by any party.

2. In the first stage of a bifurcated trial, in which the issue of punitive damages is submissible, the jury shall determine liability for compensatory damages, the amount of compensatory damages, including nominal damages, and the liability of a defendant for punitive damages. Evidence of defendant's financial condition shall not be admissible in the first stage of such trial unless admissible for a proper purpose other than the amount of punitive damages.

3. If during the first stage of a bifurcated trial the jury determines that a defendant is liable for punitive damages, that jury shall determine, in a second stage of trial, the amount of punitive damages to be awarded against such defendant. Evidence of such defendant's net worth shall be admissible during the second stage of such trial.

4. Within the time for filing a motion for new trial, a defendant may file a post-trial motion requesting the amount awarded by the jury as punitive damages be credited by the court with amounts previously paid by the defendant for punitive damages arising out of the same conduct on which the imposition of punitive damages is based. At any hearing, the burden on all issues relating to such a credit shall be on the defendant and either party may introduce

relevant evidence on such motion. Such a motion shall be determined by the trial court within the time and according to procedures applicable to motions for new trial. If the trial court sustains such a motion the trial court shall credit the jury award of punitive damages by the amount found by the trial court to have been previously paid by the defendant arising out of the same conduct and enter judgment accordingly. If the defendant fails to establish entitlement to a credit under the provisions of this section, or the trial court finds from the evidence that the defendant's conduct out of which the prior punitive damages award arose was not the same conduct on which the imposition of punitive damages is based in the pending action, or the trial court finds the defendant unreasonably continued the conduct after acquiring actual knowledge of the dangerous nature of such conduct, the trial court shall disallow such credit, or, if the trial court finds that the laws regarding punitive damages in the state in which the prior award of punitive damages was entered substantially and materially deviate from the law of the state of Missouri and that the nature of such deviation provides good cause for disallowance of the credit based on the public policy of Missouri, then the trial court may disallow all or any part of the credit provided by this section.

5. The credit allowable under this section shall not apply to causes of action for libel, slander, assault, battery, false imprisonment, criminal conversation, malicious prosecution or fraud.

6. The doctrines of remittitur and additur, based on the trial judge's assessment of the totality of the surrounding circumstances, shall apply to punitive damage awards.

7. As used in this section, the term "punitive damage award" means an award for punitive or exemplary damages or an award for aggravating circumstances.

8. Discovery as to a defendant's assets shall be allowed only after a finding by the trial court that it is more likely than not that the plaintiff will be able to present a submissible case to the trier of fact on the plaintiff's claim of punitive damages.

537.072. In tort actions based upon improper health care, except for those cases in which the court makes a written finding that mediation would have no chance of success, the court shall establish a discovery period after which the action or proceeding shall be referred to mediation, which shall be conducted by a trained mediator selected from a list approved by the circuit court.

538.210. 1. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than three hundred fifty thousand dollars [per occurrence] for noneconomic damages from any one defendant as defendant is defined in subsection 2 of this section.

2. "Defendant" for purposes of sections 538.205 to 538.230 shall be defined as:

(1) A hospital as defined in chapter 197, RSMo, and its employees and physician employees who are insured under the hospital's professional liability insurance policy or the hospital's self-insurance maintained for professional liability purposes;

(2) A physician, including his nonphysician employees who are insured under the physician's professional liability insurance or under the physician's self-insurance maintained for professional liability purposes;

(3) Any other health care provider, **including but not limited to a facility licensed under chapter 198, RSMo**, having the legal capacity to sue and be sued and who is not included in subdivisions (1) and (2) of this subsection, including employees of any health care providers who are insured under the health care provider's professional liability insurance policy or self-insurance maintained for professional liability purposes;

(4) All individuals or entities whose liability is based solely upon an act or omission of an agent, servant, or employee shall, for purposes of subsection 1 of this section, be considered the same defendant as the agent, servant, or employee.

3. In any action against a health care provider for damages for personal injury or death arising out of the rendering of

or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

4. The limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

[5. Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.]

5. Beginning on August 28, 2003, the limitation on awards for noneconomic damages, as otherwise provided for in subsections 1 to 4 of this section, shall be immediately reduced by twenty percent.

6. On August 28, 2003, every insurer authorized to sell medical malpractice liability insurance in this state shall immediately reduce its premiums, rates, and charges on policies in this state to levels which are at least twenty percent less than the premiums, rates, and charges for the same coverage which were in effect on August 28, 2002. For those who apply for medical malpractice liability insurance for the first time in this state on or after August 28, 2003, the premiums, rates, and charges that apply shall be at least twenty percent less than the premiums, rates, and charges which were in effect for such insurer on August 28, 2002, for similarly situated risks. Any separate affiliate of an insurer, established on or after August 28, 2003, shall be subject to the provisions in this section and shall reduce its charges to levels which are at least twenty percent less than the insurer's charges in effect on that date.

7. After August 28, 2003, premiums, rates, and charges for medical malpractice liability insurance issued or renewed in this state shall be increased or decreased on an annual basis effective January first of each year in accordance with the adjustment factors applicable to the limitation on awards for noneconomic damages as provided for in subsection 4 of this section.

8. An insurer authorized to sell medical malpractice liability insurance in this state may file an application with the director of the department of insurance for an exemption from the premium, rate, and charge adjustment limitations set forth in subsection 7 of this section, with respect to the medical malpractice liability insurance policy of an insured who the insurer considers to be an extremely high-risk insured. Upon the filing of such application and upon a finding based upon sufficient proof that the identified insured is an extremely high-risk insured and that the limitations imposed on the insurer pursuant to subsection 7 of this section will not allow the insurer to reasonably protect against the risk posed by providing coverage to the insured, the director may approve premiums, rates, or charges for the policy in excess of the premiums, rates, and charges permitted by subsection 7 of this section. In approving an exemption pursuant to this subsection the director shall approve only those premiums, rates, and charges that are based on the experience of the insured.

9. The director of the department of insurance is authorized to promulgate rules and regulations necessary to effectuate the purposes of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

10. For purposes of this section, all individuals and entities asserting a claim for a wrongful death pursuant to

section 537.080, RSMo, based upon claims of improper health care shall be considered to be one plaintiff.

538.225. 1. In any action against a health care provider for damages for personal injury or death on account of the rendering of or failure to render health care services, the plaintiff or [his] **the plaintiff's** attorney shall file an affidavit with the court stating that he **or she** has obtained the written opinion of a legally qualified health care provider which states that the defendant health care provider failed to use such care as a reasonably prudent and careful health care provider would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed in the petition.

2. The affidavit shall state the qualifications of such health care providers to offer such opinion.

3. A separate affidavit shall be filed for each defendant named in the petition.

4. Such affidavit shall be filed no later than ninety days after the filing of the petition unless the court, for good cause shown, orders that such time be extended **for a period of time not to exceed an additional ninety days**.

5. If the plaintiff or his attorney fails to file such affidavit the court [may] **shall**, upon motion of any party, dismiss the action against such moving party without prejudice.

6. As used in this section, the term "legally qualified health care provider" means a health care provider licensed in this state or any other state who has experience in a like area of expertise as the defendant.

538.227. 1. The portion of statements, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering, or death of a person and made to that person or to the family of that person shall be inadmissible as evidence of an admission of liability in a civil action. A statement of fault, however, which is part of, or in addition to, any of the provisions of this subsection shall not be inadmissible pursuant to this section.

2. For the purposes of this section:

(1) "Benevolent gestures", actions which convey a sense of compassion or commiseration emanating from humane impulses;

(2) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, lifetime partner or significant other, adopted children of a parent, or spouse's parents of an injured party.

Section 1. 1. Any person may file a miscellaneous case for purpose of securing copies of their health care records or the health care records of any other person for whom he or she is the guardian or attorney-in-fact or is a potential claimant for a wrongful death.

2. A miscellaneous case shall be filed in the circuit in which any of the health care records sought to be obtained are located.

3. (1) The petition shall contain the following:

(a) **The name of the individual who received the health care services or medical treatment;**

(b) **A brief summary of the health care services or medical treatment received;**

(c) **A brief summary of the outcome of the health care services or medical treatment; and**

(d) **The names of the health care providers from whom health care records are being sought.**

(2) The petition shall not contain:

(a) Allegations of negligence; or

(b) Demands, other than a general demand for access to health care records.

4. Within five days of filing the miscellaneous case, the petitioner shall mail a copy of the petition by regular and certified mail to each health care provider listed in the petition. The petitioner shall certify to the court that the petition has been mailed as required.

5. After filing a miscellaneous case, the petitioner may request the health care records described in subsection 1 of this section by subpoena and, if necessary, subpoena the health care records custodian for a deposition for the sole purpose of securing copies of the health care records and verifying their authenticity. Refusal to provide the requested records may be the basis for the court to impose sanctions or orders of contempt.

6. Filing of a miscellaneous case petition shall toll the applicable statute of limitations for one hundred twenty days on any claim for injuries or death caused by professional negligence of a health care provider, but in no event shall the applicable statute of limitations be tolled pursuant to this section for more than one hundred twenty days.

7. The naming or listing of a health care provider as a person from whom records are requested shall not be considered for any reporting purposes as a claim made against the health care provider.

8. A health care provider, or any person or entity acting on behalf of a health care provider shall not charge more than is allowable pursuant to section 197.227, RSMo, for providing copies of health care records."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Pages 1-9, Section 105.711, by striking all of said section from the bill; and

Further amend said bill, Pages 9-11, Section 258.100, by striking all of said section from the bill; and

Further amend said bill, Pages 11-13, Section 307.178, by striking all of said section from the bill; and

Further amend said bill, Pages 13-14, Section 355.176, by striking all of said section from the bill; and

Further amend said bill, Pages 14-15, Section 408.040, by striking all of said section from the bill; and

Further amend said bill, Pages 15-16, Section 430.225, by striking all of said section from the bill; and

Further amend said bill, Pages 16-18, Section 508.010, by striking all of said section from the bill; and

Further amend said bill, Page 18, Section 508.040, by striking all of said section from the bill; and

Further amend said bill, Pages 18-21, Section 508.075, by striking all of said section from the bill; and

Further amend said bill, Pages 21-22, Section 508.120, by striking all of said section from the bill; and

Further amend said bill, Page 22, Section 509.290, by striking all of said section from the bill; and

Further amend said bill, Pages 22-25, Section 510.263, by striking all of said section from the bill; and

Further amend said bill, Pages 25-26, Section 512.020, by striking all of said section from the bill; and

Further amend said bill, Page 26, Section 512.099, by striking all of said section from the bill; and

Further amend said bill, Pages 26-28, Section 537.067, by striking all of said section from the bill; and

Further amend said bill, Page 28, Section 537.071, by striking all of said section from the bill; and

Further amend said bill, Pages 28-29, Section 537.072, by striking all of said section from the bill; and

Further amend said bill, Pages 29-32, Section 537.327, by striking all of said section from the bill; and

Further amend said bill, Pages 32-33, Section 537.530, by striking all of said section from the bill; and

Further amend said bill, Page 34, Section 537.767, by striking all of said section from the bill; and

Further amend said bill, Pages 34-36, Section 538.205, by striking all of said section from the bill; and

Further amend said bill, Pages 36-38, Section 538.210, by striking all of said section from the bill; and

Further amend said bill, Pages 38-40, Section 538.213, by striking all of said section from the bill; and

Further amend said bill, Page 40, Section 538.224, by striking all of said section from the bill; and

Further amend said bill, Pages 40-41, Section 538.225, by striking all of said section from the bill; and

Further amend said bill, Pages 41-42, Section 538.227, by striking all of said section from the bill; and

Further amend said bill, Pages 42-43, Section 538.234, by striking all of said section from the bill; and

Further amend said bill, Page 43, Section 538.301, by striking all of said section from the bill; and

Further amend said bill, Page 43, Section 1, by striking all of said section from the bill; and

Further amend said bill, Pages 43-44, Section 355.176, by striking all of said section from the bill; and

Further amend said bill, Pages 44-45, Section 430.225, by striking all of said section from the bill and inserting in lieu thereof the following:

"508.010. Suits instituted by summons shall, except as otherwise provided by law, be brought:

- (1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;
- (2) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;
- (3) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;
- (4) When all the defendants are nonresidents of the state, suit may be brought in any county in this state;
- (5) Any action, local or transitory, in which any county shall be plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants,

or one of them, may be found;

(6) In all tort actions the suit may be brought in the county where the cause of action accrued regardless of the residence of the parties, and process therein shall be issued by the court of such county and may be served in any county within the state; provided, however, that in any action for defamation or for invasion of privacy the cause of action shall be deemed to have accrued in the county in which the defamation or invasion was first published;

(7) In all tort actions based upon claims of improper health care, except as provided in section 508.070, the suit may only be brought in either:

(a) The county in which the cause of action occurred;

(b) The county in which the defendant resides; or

(c) The county in which the corporate defendant's registered agent may be found.

510.263. 1. All actions tried before a jury involving punitive damages, **including tort actions based upon improper health care**, shall be conducted in a bifurcated trial before the same jury if requested by any party.

2. In the first stage of a bifurcated trial, in which the issue of punitive damages is submissible, the jury shall determine liability for compensatory damages, the amount of compensatory damages, including nominal damages, and the liability of a defendant for punitive damages. Evidence of defendant's financial condition shall not be admissible in the first stage of such trial unless admissible for a proper purpose other than the amount of punitive damages.

3. If during the first stage of a bifurcated trial the jury determines that a defendant is liable for punitive damages, that jury shall determine, in a second stage of trial, the amount of punitive damages to be awarded against such defendant. Evidence of such defendant's net worth shall be admissible during the second stage of such trial.

4. Within the time for filing a motion for new trial, a defendant may file a post-trial motion requesting the amount awarded by the jury as punitive damages be credited by the court with amounts previously paid by the defendant for punitive damages arising out of the same conduct on which the imposition of punitive damages is based. At any hearing, the burden on all issues relating to such a credit shall be on the defendant and either party may introduce relevant evidence on such motion. Such a motion shall be determined by the trial court within the time and according to procedures applicable to motions for new trial. If the trial court sustains such a motion the trial court shall credit the jury award of punitive damages by the amount found by the trial court to have been previously paid by the defendant arising out of the same conduct and enter judgment accordingly. If the defendant fails to establish entitlement to a credit under the provisions of this section, or the trial court finds from the evidence that the defendant's conduct out of which the prior punitive damages award arose was not the same conduct on which the imposition of punitive damages is based in the pending action, or the trial court finds the defendant unreasonably continued the conduct after acquiring actual knowledge of the dangerous nature of such conduct, the trial court shall disallow such credit, or, if the trial court finds that the laws regarding punitive damages in the state in which the prior award of punitive damages was entered substantially and materially deviate from the law of the state of Missouri and that the nature of such deviation provides good cause for disallowance of the credit based on the public policy of Missouri, then the trial court may disallow all or any part of the credit provided by this section.

5. The credit allowable under this section shall not apply to causes of action for libel, slander, assault, battery, false imprisonment, criminal conversation, malicious prosecution or fraud.

6. The doctrines of remittitur and additur, based on the trial judge's assessment of the totality of the surrounding circumstances, shall apply to punitive damage awards.

7. As used in this section, the term "punitive damage award" means an award for punitive or exemplary damages or an award for aggravating circumstances.

8. Discovery as to a defendant's assets shall be allowed only after a finding by the trial court that it is more

likely than not that the plaintiff will be able to present a submissible case to the trier of fact on the plaintiff's claim of punitive damages.

537.072. In tort actions based upon improper health care, except for those cases in which the court makes a written finding that mediation would have no chance of success, the court shall establish a discovery period after which the action or proceeding shall be referred to mediation, which shall be conducted by a trained mediator selected from a list approved by the circuit court.

538.210. 1. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than three hundred fifty thousand dollars [per occurrence] for noneconomic damages from any one defendant as defendant is defined in subsection 2 of this section.

2. "Defendant" for purposes of sections 538.205 to 538.230 shall be defined as:

(1) A hospital as defined in chapter 197, RSMo, and its employees and physician employees who are insured under the hospital's professional liability insurance policy or the hospital's self-insurance maintained for professional liability purposes;

(2) A physician, including his nonphysician employees who are insured under the physician's professional liability insurance or under the physician's self-insurance maintained for professional liability purposes;

(3) Any other health care provider, **including but not limited to a facility licensed under chapter 198, RSMo**, having the legal capacity to sue and be sued and who is not included in subdivisions (1) and (2) of this subsection, including employees of any health care providers who are insured under the health care provider's professional liability insurance policy or self-insurance maintained for professional liability purposes;

(4) All individuals or entities whose liability is based solely upon an act or omission of an agent, servant, or employee shall, for purposes of subsection 1 of this section, be considered the same defendant as the agent, servant, or employee.

3. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

4. The limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

[5. Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.]

5. Beginning on August 28, 2003, the limitation on awards for noneconomic damages, as otherwise provided for in subsections 1 to 4 of this section, shall be immediately reduced by twenty-five percent.

6. On August 28, 2003, every insurer authorized to sell medical malpractice liability insurance in this state shall immediately reduce its premiums, rates, and charges on policies in this state to levels which are at least twenty-five percent less than the premiums, rates, and charges for the same coverage which were in effect on August 28, 2002. For those who apply for medical malpractice liability insurance for the first time in this state on or after

August 28, 2003, the premiums, rates, and charges that apply shall be at least twenty-five percent less than the premiums, rates, and charges which were in effect for such insurer on August 28, 2002, for similarly situated risks. Any separate affiliate of an insurer, established on or after August 28, 2003, shall be subject to the provisions in this section and shall reduce its charges to levels which are at least twenty-five percent less than the insurer's charges in effect on that date.

7. After August 28, 2003, premiums, rates, and charges for medical malpractice liability insurance issued or renewed in this state shall be increased or decreased on an annual basis effective January first of each year in accordance with the adjustment factors applicable to the limitation on awards for noneconomic damages as provided for in subsection 4 of this section.

8. An insurer authorized to sell medical malpractice liability insurance in this state may file an application with the director of the department of insurance for an exemption from the premium, rate, and charge adjustment limitations set forth in subsection 7 of this section, with respect to the medical malpractice liability insurance policy of an insured who the insurer considers to be an extremely high-risk insured. Upon the filing of such application and upon a finding based upon sufficient proof that the identified insured is an extremely high-risk insured and that the limitations imposed on the insurer pursuant to subsection 7 of this section will not allow the insurer to reasonably protect against the risk posed by providing coverage to the insured, the director may approve premiums, rates, or charges for the policy in excess of the premiums, rates, and charges permitted by subsection 7 of this section. In approving an exemption pursuant to this subsection the director shall approve only those premiums, rates, and charges that are based on the experience of the insured.

9. The director of the department of insurance is authorized to promulgate rules and regulations necessary to effectuate the purposes of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

10. For purposes of this section, all individuals and entities asserting a claim for a wrongful death pursuant to section 537.080, RSMo, based upon claims of improper health care shall be considered to be one plaintiff.

538.225. 1. In any action against a health care provider for damages for personal injury or death on account of the rendering of or failure to render health care services, the plaintiff or [his] **the plaintiff's** attorney shall file an affidavit with the court stating that he **or she** has obtained the written opinion of a legally qualified health care provider which states that the defendant health care provider failed to use such care as a reasonably prudent and careful health care provider would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed in the petition.

2. The affidavit shall state the qualifications of such health care providers to offer such opinion.

3. A separate affidavit shall be filed for each defendant named in the petition.

4. Such affidavit shall be filed no later than ninety days after the filing of the petition unless the court, for good cause shown, orders that such time be extended **for a period of time not to exceed an additional ninety days**.

5. If the plaintiff or his attorney fails to file such affidavit the court [may] **shall**, upon motion of any party, dismiss the action against such moving party without prejudice.

6. As used in this section, the term "legally qualified health care provider" means a health care provider licensed in this state or any other state who has experience in a like area of expertise as the defendant.

538.227. 1. The portion of statements, writings, or benevolent gestures expressing sympathy or a general sense of

benevolence relating to the pain, suffering, or death of a person and made to that person or to the family of that person shall be inadmissible as evidence of an admission of liability in a civil action. A statement of fault, however, which is part of, or in addition to, any of the provisions of this subsection shall not be inadmissible pursuant to this section.

2. For the purposes of this section:

- (1) "Benevolent gestures", actions which convey a sense of compassion or commiseration emanating from humane impulses;**
- (2) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, lifetime partner or significant other, adopted children of a parent, or spouse's parents of an injured party.**

Section 1. 1. Any person may file a miscellaneous case for purpose of securing copies of their health care records or the health care records of any other person for whom he or she is the guardian or attorney-in-fact or is a potential claimant for a wrongful death.

2. A miscellaneous case shall be filed in the circuit in which any of the health care records sought to be obtained are located.

3. (1) The petition shall contain the following:

- (a) The name of the individual who received the health care services or medical treatment;**
- (b) A brief summary of the health care services or medical treatment received;**
- (c) A brief summary of the outcome of the health care services or medical treatment; and**
- (d) The names of the health care providers from whom health care records are being sought.**

(2) The petition shall not contain:

- (a) Allegations of negligence; or**
- (b) Demands, other than a general demand for access to health care records.**

4. Within five days of filing the miscellaneous case, the petitioner shall mail a copy of the petition by regular and certified mail to each health care provider listed in the petition. The petitioner shall certify to the court that the petition has been mailed as required.

5. After filing a miscellaneous case, the petitioner may request the health care records described in subsection 1 of this section by subpoena and, if necessary, subpoena the health care records custodian for a deposition for the sole purpose of securing copies of the health care records and verifying their authenticity. Refusal to provide the requested records may be the basis for the court to impose sanctions or orders of contempt.

6. Filing of a miscellaneous case petition shall toll the applicable statute of limitations for one hundred twenty days on any claim for injuries or death caused by professional negligence of a health care provider, but in no event shall the applicable statute of limitations be tolled pursuant to this section for more than one hundred twenty days.

7. The naming or listing of a health care provider as a person from whom records are requested shall not be considered for any reporting purposes as a claim made against the health care provider.

8. A health care provider, or any person or entity acting on behalf of a health care provider shall not charge more than is allowable pursuant to section 197.227, RSMo, for providing copies of health care records."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator Scott, **SB 280**, with **SCS, SS for SCS, SS for SS for SCS, SA 1 and SSA 1 for SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 385, regarding the Washington Tabernacle Baptist Church, St. Louis, which was adopted.

Senator Champion offered Senate Resolution No. 386, regarding Jackie Stiles, which was adopted.

Senator Champion offered Senate Resolution No. 387, regarding John Q. Hammons, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 388, regarding Curtis Perry, which was adopted.

Senator Champion offered Senate Resolution No. 389, regarding Art Hains, which was adopted.

Senator Cauthorn offered Senate Resolution No. 390, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ernest Cahill, Vandalia, which was adopted.

Senator Yeckel offered Senate Resolution No. 391, regarding the 1138th Engineer Battalion, which was adopted.

Senator Yeckel offered Senate Resolution No. 392, regarding the 1221st Transportation Company, which was adopted.

Senator Yeckel offered Senate Resolution No. 393, regarding the Missouri National Guard 203rd Engineer Battalion, which was adopted.

Senator Yeckel offered Senate Resolution No. 394, regarding the Missouri National Guard 2175th Military Police Company, which was adopted.

Senator Yeckel offered Senate Resolution No. 395, regarding the Missouri National Guard 235th Engineer Detachment, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 280**, with **SCS, SS for SCS, SS for SS for SCS, SA 1 and SSA 1 for SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Mathewson	Nodler

Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
	Absent--Senators		
Bland	Dolan	Dougherty	Loudon
Russell--5			
	Absent with leave--Senators		
DePasco	Quick--2		

SSA 1 for **SA 1** was again taken up.

Senator Childers assumed the Chair.

Senator Shields assumed the Chair.

President Pro Tem Kinder assumed the Chair.

Senator Gross assumed the Chair.

Senator Shields assumed the Chair.

President Maxwell assumed the Chair.

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Wheeler	Yeckel--26		
	Absent--Senators		
Dolan	Jacob	Klindt	Vogel--4
	Absent with leave--Senators		
Cauthorn	Coleman	DePasco	Quick--4

At the request of Senator Jacob, **SSA 1** for **SA 1** was withdrawn.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, pages 1-9, Section 105.711, by striking all of said section from the bill; and

Further amend said bill, Pages 9-11, Section 258.100, by striking all of said section from the bill; and

Further amend said bill, Pages 11-13, Section 307.178, by striking all of said section from the bill; and

Further amend said bill, Pages 13-14, Section 355.176, by striking all of said section from the bill; and

Further amend said bill, Pages 14-15, Section 408.040, by striking all of said section from the bill; and

Further amend said bill, Pages 15-16, Section 430.225, by striking all of said section from the bill; and

Further amend said bill, Pages 16-18, Section 508.010, by striking all of said section from the bill and inserting in lieu thereof the following:

"508.010. Suits instituted by summons shall, except as otherwise provided by law, be brought:

(1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;

(2) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;

(3) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;

(4) When all the defendants are nonresidents of the state, suit may be brought in any county in this state;

(5) Any action, local or transitory, in which any county shall be plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants, or one of them, may be found;

(6) In all tort actions the suit may be brought in the county where the cause of action accrued regardless of the residence of the parties, and process therein shall be issued by the court of such county and may be served in any county within the state; provided, however, that in any action for defamation or for invasion of privacy the cause of action shall be deemed to have accrued in the county in which the defamation or invasion was first published;

(7) In all tort actions based upon claims of improper health care, except as provided in section 508.070, the suit may only be brought in either:

(a) The county in which the cause of action occurred;

(b) The county in which the defendant resides; or

(c) The county in which the corporate defendant's registered agent may be found."; and

Further amend said bill, Page 18, Section 508.040, by striking all of said section from the bill; and

Further amend said bill, Pages 18-21, Section 508.075, by striking all of said section from the bill; and

Further amend said bill, Pages 21-22, Section 508.120, by striking all of said section from the bill; and

Further amend said bill, Page 22, Section 509.290, by striking all of said section from the bill; and

Further amend said bill, Pages 22-25, Section 510.263, by striking all of said section from the bill and inserting in lieu thereof the following:

"510.263. 1. All actions tried before a jury involving punitive damages, **including tort actions based upon improper health care**, shall be conducted in a bifurcated trial before the same jury if requested by any party.

2. In the first stage of a bifurcated trial, in which the issue of punitive damages is submissible, the jury shall determine liability for compensatory damages, the amount of compensatory damages, including nominal damages, and the liability of a defendant for punitive damages. Evidence of defendant's financial condition shall not be admissible in the first stage of such trial unless admissible for a proper purpose other than the amount of punitive damages.

3. If during the first stage of a bifurcated trial the jury determines that a defendant is liable for punitive damages, that jury shall determine, in a second stage of trial, the amount of punitive damages to be awarded against such defendant. Evidence of such defendant's net worth shall be admissible during the second stage of such trial.

4. Within the time for filing a motion for new trial, a defendant may file a post-trial motion requesting the amount awarded by the jury as punitive damages be credited by the court with amounts previously paid by the defendant for punitive damages arising out of the same conduct on which the imposition of punitive damages is based. At any hearing, the burden on all issues relating to such a credit shall be on the defendant and either party may introduce relevant evidence on such motion. Such a motion shall be determined by the trial court within the time and according to procedures applicable to motions for new trial. If the trial court sustains such a motion the trial court shall credit the jury award of punitive damages by the amount found by the trial court to have been previously paid by the defendant arising out of the same conduct and enter judgment accordingly. If the defendant fails to establish entitlement to a credit under the provisions of this section, or the trial court finds from the evidence that the defendant's conduct out of which the prior punitive damages award arose was not the same conduct on which the imposition of punitive damages is based in the pending action, or the trial court finds the defendant unreasonably continued the conduct after acquiring actual knowledge of the dangerous nature of such conduct, the trial court shall disallow such credit, or, if the trial court finds that the laws regarding punitive damages in the state in which the prior award of punitive damages was entered substantially and materially deviate from the law of the state of Missouri and that the nature of such deviation provides good cause for disallowance of the credit based on the public policy of Missouri, then the trial court may disallow all or any part of the credit provided by this section.

5. The credit allowable under this section shall not apply to causes of action for libel, slander, assault, battery, false imprisonment, criminal conversation, malicious prosecution or fraud.

6. The doctrines of remittitur and additur, based on the trial judge's assessment of the totality of the surrounding circumstances, shall apply to punitive damage awards.

7. As used in this section, the term "punitive damage award" means an award for punitive or exemplary damages or an award for aggravating circumstances.

8. Discovery as to a defendant's assets shall be allowed only after a finding by the trial court that it is more likely than not that the plaintiff will be able to present a submissible case to the trier of fact on the plaintiff's claim of punitive damages."; and

Further amend said bill, Pages 25-26, Section 512.020, by striking all of said section from the bill; and

Further amend said bill, Page 26, Section 512.099, by striking all of said section from the bill; and

Further amend said bill, Pages 26-28, Section 537.067, by striking all of said section from the bill; and

Further amend said bill, Page 28, Section 537.071, by striking all of said section from the bill; and

Further amend said bill, Pages 28-29, Section 537.072, by striking all of said section from the bill and inserting in lieu thereof the following:

"537.072. In tort actions based upon improper health care, except for those cases in which the court makes a written finding that mediation would have no chance of success, the court shall establish a discovery period after which the action or proceeding shall be referred to mediation, which shall be conducted by a trained mediator selected from a list approved by the circuit court."; and

Further amend said bill, Pages 29-32, Section 537.327, by striking all of said section from the bill; and

Further amend said bill, Pages 32-33, Section 537.530, by striking all of said section from the bill; and

Further amend said bill, Page 34, Section 537.767, by striking all of said section from the bill; and

Further amend said bill, Pages 34-36, Section 538.205, by striking all of said section from the bill; and

Further amend said bill, Pages 36-38, Section 538.210, by striking all of said section from the bill and inserting in lieu thereof the following:

"538.210. 1. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than three hundred fifty thousand dollars [per occurrence] for noneconomic damages from any one defendant as defendant is defined in subsection 2 of this section.

2. "Defendant" for purposes of sections 538.205 to 538.230 shall be defined as:

(1) A hospital as defined in chapter 197, RSMo, and its employees and physician employees who are insured under the hospital's professional liability insurance policy or the hospital's self-insurance maintained for professional liability purposes;

(2) A physician, including his nonphysician employees who are insured under the physician's professional liability insurance or under the physician's self-insurance maintained for professional liability purposes;

(3) Any other health care provider, **including but not limited to a facility licensed under chapter 198, RSMo,** having the legal capacity to sue and be sued and who is not included in subdivisions (1) and (2) of this subsection, including employees of any health care providers who are insured under the health care provider's professional liability insurance policy or self-insurance maintained for professional liability purposes;

(4) All individuals or entities whose liability is based solely upon an act or omission of an agent, servant, or employee shall, for purposes of subsection 1 of this section, be considered the same defendant as the agent, servant, or employee.

3. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

4. The limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

[5. Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.]

5. Beginning on August 28, 2003, the limitation on awards for noneconomic damages, as otherwise provided for in subsections 1 to 4 of this section, shall be immediately reduced by twenty percent.

6. On August 28, 2003, every insurer authorized to sell medical malpractice liability insurance in this state shall immediately reduce its premiums, rates, and charges on policies in this state to levels which are at least twenty percent less than the premiums, rates, and charges for the same coverage which were in effect on August 28, 2002. For those who apply for medical malpractice liability insurance for the first time in this state on or after August 28, 2003, the premiums, rates, and charges that apply shall be at least twenty percent less than the premiums, rates, and charges which were in effect for such insurer on August 28, 2002, for similarly situated

risks. Any separate affiliate of an insurer, established on or after August 28, 2003, shall be subject to the provisions in this section and shall reduce its charges to levels which are at least twenty percent less than the insurer's charges in effect on that date.

7. After August 28, 2003, premiums, rates, and charges for medical malpractice liability insurance issued or renewed in this state shall be increased or decreased on an annual basis effective January first of each year in accordance with the adjustment factors applicable to the limitation on awards for noneconomic damages as provided for in subsection 4 of this section.

8. An insurer authorized to sell medical malpractice liability insurance in this state may file an application with the director of the department of insurance for an exemption from the premium, rate, and charge adjustment limitations set forth in subsection 7 of this section, with respect to the medical malpractice liability insurance policy of an insured who the insurer considers to be an extremely high-risk insured. Upon the filing of such application and upon a finding based upon sufficient proof that the identified insured is an extremely high-risk insured and that the limitations imposed on the insurer pursuant to subsection 7 of this section will not allow the insurer to reasonably protect against the risk posed by providing coverage to the insured, the director may approve premiums, rates, or charges for the policy in excess of the premiums, rates, and charges permitted by subsection 7 of this section. In approving an exemption pursuant to this subsection the director shall approve only those premiums, rates, and charges that are based on the experience of the insured.

9. The director of the department of insurance is authorized to promulgate rules and regulations necessary to effectuate the purposes of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

10. For purposes of this section, all individuals and entities asserting a claim for a wrongful death pursuant to section 537.080, RSMo, based upon claims of improper health care shall be considered to be one plaintiff."; and

Further amend said bill, Pages 38-40, Section 538.213, by striking all of said section from the bill; and

Further amend said bill, Page 40, Section 538.224, by striking all of said section from the bill; and

Further amend said bill, Pages 40-41, Section 538.225, by striking all of said section from the bill and inserting in lieu thereof the following:

"538.225. 1. In any action against a health care provider for damages for personal injury or death on account of the rendering of or failure to render health care services, the plaintiff or [his] **the plaintiff's** attorney shall file an affidavit with the court stating that he **or she** has obtained the written opinion of a legally qualified health care provider which states that the defendant health care provider failed to use such care as a reasonably prudent and careful health care provider would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed in the petition.

2. The affidavit shall state the qualifications of such health care providers to offer such opinion.

3. A separate affidavit shall be filed for each defendant named in the petition.

4. Such affidavit shall be filed no later than ninety days after the filing of the petition unless the court, for good cause shown, orders that such time be extended **for a period of time not to exceed an additional ninety days**.

5. If the plaintiff or his attorney fails to file such affidavit the court [may] **shall**, upon motion of any party, dismiss the action against such moving party without prejudice.

6. As used in this section, the term "legally qualified health care provider" means a health care provider licensed in this state or any other state who has experience in a like area of expertise as the defendant."; and

Further amend said bill, Pages 41-42, Section 538.227, by striking all of said section from the bill and inserting in lieu thereof the following:

"538.227. 1. The portion of statements, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering, or death of a person and made to that person or to the family of that person shall be inadmissible as evidence of an admission of liability in a civil action. A statement of fault, however, which is part of, or in addition to, any of the provisions of this subsection shall not be inadmissible pursuant to this section.

2. For the purposes of this section:

(1) "Benevolent gestures", actions which convey a sense of compassion or commiseration emanating from humane impulses;

(2) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, lifetime partner or significant other, adopted children of a parent, or spouse's parents of an injured party."; and

Further amend said bill, Pages 42-43, Section 538.234, by striking all of said section from the bill; and

Further amend said bill, Page 43, Section 538.301, by striking all of said section from the bill; and

Further amend said bill, Page 43, Section 1, by striking all of said section from the bill and inserting in lieu thereof the following:

"Section 1. 1. Any person may file a miscellaneous case for purpose of securing copies of their health care records or the health care records of any other person for whom he or she is the guardian or attorney-in-fact or is a potential claimant for a wrongful death.

2. A miscellaneous case shall be filed in the circuit in which any of the health care records sought to be obtained are located.

3. (1) The petition shall contain the following:

(a) The name of the individual who received the health care services or medical treatment;

(b) A brief summary of the health care services or medical treatment received;

(c) A brief summary of the outcome of the health care services or medical treatment; and

(d) The names of the health care providers from whom health care records are being sought.

(2) The petition shall not contain:

(a) Allegations of negligence; or

(b) Demands, other than a general demand for access to health care records.

4. Within five days of filing the miscellaneous case, the petitioner shall mail a copy of the petition by regular and certified mail to each health care provider listed in the petition. The petitioner shall certify to the court that the petition has been mailed as required.

5. After filing a miscellaneous case, the petitioner may request the health care records described in subsection 1 of this section by subpoena and, if necessary, subpoena the health care records custodian for a deposition for the sole purpose of securing copies of the health care records and verifying their authenticity. Refusal to provide the requested records may be the basis for the court to impose sanctions or orders of contempt.

6. Filing of a miscellaneous case petition shall toll the applicable statute of limitations for one hundred twenty days on any claim for injuries or death caused by professional negligence of a health care provider, but in no event shall the applicable statute of limitations be tolled pursuant to this section for more than one hundred twenty days.

7. The naming or listing of a health care provider as a person from whom records are requested shall not be considered for any reporting purposes as a claim made against the health care provider.

8. A health care provider, or any person or entity acting on behalf of a health care provider shall not charge more than is allowable pursuant to section 197.227, RSMo, for providing copies of health care records."; and

Further amend said bill, Pages 43-44, Section 355.176, by striking all of said section from the bill; and

Further amend said bill, Pages 44-45, Section 430.225, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob requested a division of the question on **SA 2**, asking that the amendment be divided into eight parts: Part 1-Section 538.210; Part 2-Section 538.227; Part 3-Section 510.263; Part 4-Section 537.072; Part 5-Section 1; Part 6-Section 538.225; Part 7-Section 508.010 and Part 8-the remainder of the amendment, which request was granted.

Part 1 of **SA 2** was taken up.

Senator Jacob offered **SSA 1** for **Part 1** of **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR PART 1 OF

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Pages 36-38, Section 538.210, by striking all of said section from the bill and inserting in lieu thereof the following:

"538.210. 1. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than three hundred fifty thousand dollars [per occurrence] for noneconomic damages from any one defendant as defendant is defined in subsection 2 of this section.

2. "Defendant" for purposes of sections 538.205 to 538.230 shall be defined as:

(1) A hospital as defined in chapter 197, RSMo, and its employees and physician employees who are insured under the hospital's professional liability insurance policy or the hospital's self-insurance maintained for professional liability purposes;

(2) A physician, including his nonphysician employees who are insured under the physician's professional liability insurance or under the physician's self-insurance maintained for professional liability purposes;

(3) Any other health care provider, **including but not limited to a facility licensed under chapter 198, RSMo,**

having the legal capacity to sue and be sued and who is not included in subdivisions (1) and (2) of this subsection, including employees of any health care providers who are insured under the health care provider's professional liability insurance policy or self-insurance maintained for professional liability purposes;

(4) All individuals or entities whose liability is based solely upon an act or omission of an agent, servant, or employee shall, for purposes of subsection 1 of this section, be considered the same defendant as the agent, servant, or employee.

3. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

4. The limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

[5. Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.]

5. Beginning on August 28, 2003, the limitation on awards for noneconomic damages, as otherwise provided for in subsections 1 to 4 of this section, shall be immediately reduced by twenty-five percent.

6. On August 28, 2003, every insurer authorized to sell medical malpractice liability insurance in this state shall immediately reduce its premiums, rates, and charges on such policies in this state to levels which are at least twenty-five percent less than the premiums, rates, and charges for the same coverage which were in effect on August 28, 2002. For those who apply for medical malpractice liability insurance for the first time in this state on or after August 28, 2003, the premiums, rates, and charges that apply shall be at least twenty-five percent less than the premiums, rates, and charges which were in effect for such insurer on August 28, 2002, for similarly situated risks. Any separate affiliate of an insurer, established on or after August 28, 2003, shall be subject to the provisions in this section and shall reduce its charges to levels which are at least twenty-five percent less than the insurer's charges in effect on that date.

7. After August 28, 2003, premiums, rates, and charges for medical malpractice liability insurance issued or renewed in this state shall be increased or decreased on an annual basis effective January first of each year in accordance with the adjustment factors applicable to the limitation on awards for noneconomic damages as provided for in subsection 4 of this section.

8. An insurer authorized to sell medical malpractice liability insurance in this state may file an application with the director of the department of insurance for an exemption from the premium, rate, and charge adjustment limitations set forth in subsection 7 of this section, with respect to the medical malpractice liability insurance policy of an insured who the insurer considers to be an extremely high-risk insured. Upon the filing of such application and upon a finding based upon sufficient proof that the identified insured is an extremely high-risk insured and that the limitations imposed on the insurer pursuant to subsection 7 of this section will not allow the insurer to reasonably protect against the risk posed by providing coverage to the insured, the director may approve premiums, rates, or charges for the policy in excess of the premiums, rates, and charges permitted by subsection 7 of this section. In approving an exemption pursuant to this subsection the director shall approve only those premiums, rates, and charges that are based on the experience of the insured.

9. The director of the department of insurance is authorized to promulgate rules and regulations necessary to

effectuate the purposes of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

10. For purposes of this section, all individuals and entities asserting a claim for a wrongful death pursuant to section 537.080, RSMo, based upon claims of improper health care shall be considered to be one plaintiff."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Days, Scott and Stoll.

SSA 1 for Part 1 of SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Days
Dougherty	Goode	Jacob	Kennedy
Mathewson	Steelman	Stoll	Wheeler--12
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Loudon
Nodler	Russell	Scott	Shields
Vogel	Yeckel--18		
Absent--Senators			
Coleman	Klindt--2		
Absent with leave--Senators			
DePasco	Quick--2		

Part 1 of SA 2 was again taken up.

Senator Steelman offered SSA 2 for Part 1 of SA 2:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR PART 1 OF

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Pages 36-38, Section 538.210, by striking all of said section from the bill and inserting in lieu thereof the following:

- "538.210. 1. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than three hundred fifty thousand dollars [per occurrence] for noneconomic damages from any one defendant as defendant is defined in subsection 2 of this section.
2. "Defendant" for purposes of sections 538.205 to 538.230 shall be defined as:
- (1) A hospital as defined in chapter 197, RSMo, and its employees and physician employees who are insured under the

hospital's professional liability insurance policy or the hospital's self-insurance maintained for professional liability purposes;

(2) A physician, including his nonphysician employees who are insured under the physician's professional liability insurance or under the physician's self-insurance maintained for professional liability purposes;

(3) Any other health care provider, **including but not limited to a facility licensed under chapter 198, RSMo,** having the legal capacity to sue and be sued and who is not included in subdivisions (1) and (2) of this subsection, including employees of any health care providers who are insured under the health care provider's professional liability insurance policy or self-insurance maintained for professional liability purposes;

(4) All individuals or entities whose liability is based solely upon an act or omission of an agent, servant, or employee shall, for purposes of subsection 1 of this section, be considered the same defendant as the agent, servant, or employee.

3. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

4. The limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

[5. Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.]

5. No insurer authorized to transact medical malpractice liability insurance in this state shall raise premiums, nonrenew or refuse to sell any medical practice liability insurance policy in effect on the effective date of this section.

6. If, on August 28, 2006, the medical malpractice liability insurance rates have not decreased by twenty-five percent of the rates in effect on the effective date of this section, as determined by the department of insurance, then noneconomic damages cap for medical malpractice cases pursuant to section 538.210, RSMo, shall be of no force and effect.

7. All insurers authorized to transact medical malpractice liability insurance in this state shall submit to the department of insurance annually the rates assessed of medical malpractice liability insurance premiums by specialty."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above substitute amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Days, Kinder and Mathewson.

SSA 2 for Part 1 of SA 2 failed of adoption by the following vote:

YEAS--Senators

Bland
Days

Bray
Dougherty

Caskey
Goode

Coleman
Jacob

Kennedy	Mathewson	Steelman	Stoll
Wheeler--13			
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Loudon
Nodler	Russell	Scott	Shields
Vogel	Yeckel--18		
	Absent--Senator Klindt--1		
	Absent with leave--Senators		
DePasco	Quick--2		

Part 1 of **SA 2** was again taken up.

Senator Jacob moved that **Part 1** of **SA 2** be adopted.

Senator Scott requested a roll call vote be taken on the adoption of **Part 1** of **SA 2** and was joined in his request by Senators Childers, Dolan, Kinder and Mathewson.

Part 1 of **SA 2** failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Steelman	Stoll
Wheeler--13			
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Vogel	Yeckel--19	
	Absent--Senators--None		
	Absent with leave--Senators		
DePasco	Quick--2		

Part 2 of **SA 2** was taken up.

Senator Jacob moved that **Part 2** of **SA 2** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Bray, Coleman and Wheeler.

Part 2 of **SA 2** failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Stoll	Wheeler--12
	NAYS--Senators		
Bartle	Cauthorn	Childers	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon

Nodler
Steelman

Russell
Vogel
Absent--Senator Champion-- 1
Absent with leave--Senators
Quick--2

Scott
Yeckel--19

Shields

Part 3 of **SA 2** was taken up.

Senator Jacob moved that **Part 3** of **SA 2** be adopted.

At the request of Senator Scott, **SB 280**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which were referred **SB 556** and **SB 311**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 181**, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to a municipal transient guest tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 187**, entitled:

An Act to repeal section 301.4000, RSMo, and to enact in lieu thereof one new section relating to special license plates for motorcycles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 208**, entitled:

An Act to repeal section 393.110, RSMo, and to enact in lieu thereof one new section relating to the public service commission's jurisdiction of consumer-owned electric corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 286**, entitled:

An Act to repeal section 208.480, RSMo, and to enact in lieu thereof one new section relating to the federal hospital reimbursement allowance program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 245**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 59** and **269**, entitled:

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to suicide.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 202**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to the Missouri calcium initiative, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 247**, entitled:

An Act to repeal section 301.133, RSMo, and to enact in lieu thereof one new section relating to special mobile equipment, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 253**, entitled:

An Act to repeal section 455.030, RSMo, and to enact in lieu thereof one new section relating to orders of protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 278**, entitled:

An Act to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 277**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 292**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to the De Soto armory.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 314**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to bonds of officers and contractors for public works.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, the Physician of the Day, Dr. Gregory K. Terpstra, D.O., Potosi.

Senator Wheeler introduced to the Senate, Dr. Gerald and Marilyn Lee, Kansas City.

Senator Shields introduced to the Senate, Justin Forck, Serena Overvy, Harrison Smith, Lisa Raffensperger, Lauren Tobin, and students from Central High School, St. Joseph.

Senator Shields introduced to the Senate, Debbie Sherard, Courtney Vaughn, Lauren Bird, Vernon Borns, Cosby Cunningham, and students from Benton High School, St. Joseph.

Senator Shields introduced to the Senate, Derek Frieling, Joanna Clark, Gavin Taylor, Chris Matthews, Greg Hughs, and students from Lafayette High School, St. Joseph.

Senator Kennedy introduced to the Senate, Maria Stokes, Mary Ann Cunningham, Betty Bossaller, R.N., and Carol Stinson, St. Louis.

Senator Kennedy introduced to the Senate, Brad Goss, Webster Groves; Herb Lesser, Creve Couer; Ed Cota, Chesterfield; and Caitlyn Peel, St. Louis.

Senator Gibbons introduced to the Senate, eleventh grade students from Parkway South High School, Manchester.

Senator Gibbons introduced to the Senate, fourth grade students from Carmen Trails Elementary School, Manchester.

Senator Scott introduced to the Senate, Heidi and Amy Osner, Lowry City.

Senator Mathewson introduced to the Senate, twenty-four eighth grade students from Brunswick R-2 School, Brunswick; and Jason Reichert, Anna Garvin, Liza Woolston, and Denae Bachtel were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SEVENTH DAY-THURSDAY, MARCH 13, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 599-Childers and Gibbons

SB 636-Mathewson

SB 670-Dougherty

SB 675-Gross, et al

SB 677-Vogel and Russell

SB 678-Vogel and Russell

SJR 21-Cauthorn

HOUSE BILLS ON SECOND READING

HCS for HB 288

HCS for HB 390

HB 91-Mayer

HCS for HB 273

HCS for HB 281

HS for HCS for HBs 349,
120, 136 & 328-Crawford

HB 75-Ruestman, et al

HCS for HB 131

HCS for HBs 152 & 180

HCS for HB 166

HCS for HB 181

HB 187-Cooper (120) and Davis (122)

HB 208-Engler, et al

HB 286-Bearden

HCS for HB 245

HCS for HBs 59 & 269

HCS for HB 202

HB 247-Ward, et al

HCS for HB 253

HB 278-Davis (19) and

Parker

HCS for HB 277

HB 292-Wagner

HB 314-Engler

THIRD READING OF SENATE BILLS

SCS for SB 11-Kinder

and Scott

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 298-Griesheimer, with SCS
 2. SB 427-Bartle, et al, with SCS
 3. SBs 125 & 290-Goode, with SCS
 4. SB 422-Childers, with SCS
 5. SB 2-Russell, with SCS
 6. SB 544-Gross, et al, with SCS
-
7. SB 450-Mathewson, et al, with SCS
 8. SB 305-Jacob and Steelman
 9. SB 410-Shields and Goode, with SCS
 10. SB 5-Caskey, with SCS
 11. SBs 556 & 311-Kinder, et al,
with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott, with SS
(pending)

SB 51-Shields

SB 69-Yeckel and Nodler,

with SCS (pending)

SB 112-Loudon, with SCS

SB 207-Mathewson

SB 217-Champion and

Clemens, with SS (pending)

SB 253-Steelman, et al, with

SCS, SS for SCS & SA 1 (pending)

SB 264-Shields, with SCS

SB 280-Scott, et al, with SCS,

SS for SCS, SS for SS for

SCS & SA 2 (pending)

SB 300-Cauthorn, et al, with SCS

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

SB 481-Dolan, et al, with

SCS, SS for SCS & SS

for SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 385-Scott, with SCS

Reported 3/3

SB 327-Gross and Mathewson

SB 496-Yeckel

SB 388-Klindt, et al

SB 237-Russell, et al, with SCS

SB 421-Mathewson, with SCS

SB 202-Childers, with SCS

SB 175-Loudon

SB 52-Shields, with SCS#2

SB 1-Russell, with SCS#2

Reported 3/4

SB 457-Caskey

SB 467-Bartle

SB 61-Caskey, with SCS

SB 537-Jacob

SB 448-Bartle

SB 394-Bartle

SB 395-Bartle

SB 471-Bartle

SB 470-Bartle

SB 469-Bartle

SB 468-Bartle

Reported 3/10

SB 295-Shields, with SCS

SB 521-Gross

SB 522-Gross

SB 529-Childers

SB 540-Gross

SB 546-Caskey, with SCS

SB 547-Caskey, with SCS

SB 392-Shields

SB 519-Foster, with SCA 1

SB 204-Yeckel, et al

SB 31-Foster, with SCS

SB 431-Gibbons

SB 506-Clemens

SB 455-Dougherty and Shields

SB 425-Scott

SB 73-Bland, with SCS

SB 358-Shields, with SCS

SB 93-Shields

SB 447-Bartle, with SCS

SB 407-Klindt

SB 373-Bartle, with SCS

SB 283-Klindt Reported 3/11

SB 165-Bland

SB 480-Dolan

SB 492-Scott

SB 548-Champion

SB 607-Loudon

SB 616-Nodler

SB 399-Caskey

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY--THURSDAY, MARCH 13, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Take heed therefore how you hear." (Luke 8:18)

Gracious Lord, we know how easy it is to not be fully attentive or to hear what is truly being said. Help us today and especially this weekend, to be willing to actively listen to those closest to us and be prepared to let their words touch us so as to improve our relationship with them. And may we be even more prepared to hear Your Word and let it accomplish in us what You will. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
Absent with leave--Senators			
DePasco	Quick--2		

The Lieutenant Governor was present.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 396, regarding Elaine P. Niemeyer, New Hartford, which was adopted.

Senator Days offered Senate Resolution No. 397, regarding Rachel Parrent and Vantage Credit Union, Bridgeton, which was adopted.

Senator Childers offered Senate Resolution No. 398, regarding the Missouri National Guard 203rd Engineer Battalion, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Steve Roling, as Director of the Department of Social Services;

Also,

Don Walsworth and Cheryl Walker, as members of the University of Missouri Board of Curators.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 243**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which were referred **SB 361**, **SB 103**, **SB 156** and **SB 329**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 11**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **HB 412**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SB 28**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 362**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 184**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 159**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 571**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 618**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 534**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 351**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute,

hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 120**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 504**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 513**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 562**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 577**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 578**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 590**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 592**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 621**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 635**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 694**, begs leave to report that it has considered the same and recommends that bill do pass and be placed on the Consent Calendar.

Senator Shields assumed the Chair.

Senator Foster, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 180**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which were referred **SB 632** and **SB 644**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 642**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 676**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 666**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 686**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

President Maxwell assumed the Chair.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 334**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 651**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 668**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 606**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 611**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 623**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 293**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 583**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 438**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 490**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 594**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on

the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 598**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 697**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 552**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 463**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 511**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 455**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 31**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 283**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

THIRD READING OF SENATE BILLS

SCS for **SB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 11An Act to repeal section 143.181, RSMo, and to enact in lieu thereof two new sections relating to taxation, with an emergency clause and a termination date.

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SCS** for **SB 11** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--25			
NAYS--Senators			
Bray	Coleman	Days	Dougherty
Goode	Mathewson--6		
Absent--Senator Bland--1			
Absent with leave--Senators			
DePasco	Quick--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--25			
NAYS--Senators			
Bray	Coleman	Days	Dougherty
Goode	Mathewson--6		
Absent--Senator Bland--1			
Absent with leave--Senators			
DePasco	Quick--2		

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 280**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 2** (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Part 3 of **SA 2** was again taken up.

Senator Jacob moved that **Part 3** of **SA 2** be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Nodler
Scott	Shields	Steelman	Stoll
Vogel		Wheeler	Yeckel--27
Absent--Senators			
Dolan	Goode	Jacob	Mathewson
Russell--5			
Absent with leave--Senators			
DePasco	Quick--2		

Senator Shields assumed the Chair.

At the request of Senator Jacob, **SA 2** was withdrawn.

SS for **SS** for **SCS** for **SB 280** was again taken up.

Senator Bartle offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 34, Section 537.767, Lines 1-10 of said page, by striking said section from the bill; and further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken and was joined in his request by Senators Bartle, Caskey, Days and Gibbons.

SA 3 was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators			
Bland	Childers--2		
Absent--Senators--None			
Absent with leave--Senators			
DePasco	Quick--2		

At the request of Senator Scott, **SB 280**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 12:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 289**, entitled:

An Act to amend chapter 99, RSMo, by adding thereto twenty-two new sections relating to Missouri downtown economic stimulus act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 554**, entitled:

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to inclement weather exceptions for mandatory days of school attendance, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 156**, entitled:

An Act to repeal section 188.039, RSMo, and to enact in lieu thereof two new sections relating to a twenty-four hour waiting period for certain medical procedures, with an effective date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 257**, entitled:

An Act to repeal sections 147.120, 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof four new sections relating to tax credits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 410**, entitled:

An Act to repeal sections 191.831, 302.540, 577.049, and 577.520, RSMo, and to enact in lieu thereof four new sections relating to substance abuse traffic offender program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 144**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales taxes for financing an exhibition center and recreational facilities, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 280**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SS** for **SCS** for **SB 280** was again taken up.

Senator Bartle offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 40, Section 538.224, Lines 12-27 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken and was joined in his request by Senators Clemens, Days, Kinder and Scott.

SA 4 was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Coleman	Days	Dougherty	Gibbons

Goode	Griesheimer	Jacob	Kennedy
Kinder	Klindt	Mathewson	Scott
Steelman	Stoll	Vogel	Wheeler--20
	NAYS--Senators		
Cauthorn	Champion	Childers	Clemens
Foster	Loudon	Nodler	Russell
Shields	Yeckel--10		
	Absent--Senators		
Dolan	Gross--2		
	Absent with leave--Senators		
DePasco	Quick--2		

Senator Bartle offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 27, Section 537.067, Line 4 of said page, by striking the word "fifty" and inserting in lieu thereof the following: "**ten**".

Senator Bartle moved that the above amendment be adopted.

Senator Scott offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 27, Section 537.067, Line 4, by deleting the word "fifty" and inserting in lieu thereof the word "twenty".

Senator Scott moved that the above substitute amendment be adopted.

At the request of Senator Scott, **SSA 1** for **SA 5** was withdrawn.

At the request of Senator Bartle, **SA 5** was withdrawn.

Senator Bartle offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Pages 38-40, Section 538.213, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken and was joined in his request by Senators Coleman, Kennedy, Days and Stoll.

Under the provisions of **SR 90**, Senator Shields requested unanimous consent to be excused from voting on the adoption of **SA 6**, which request was granted.

SA 6 was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Coleman
Days	Dougherty	Gibbons	Goode
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Scott	Steelman
Stoll	Vogel	Wheeler	Yeckel--24
NAYS--Senators			
Cauthorn	Dolan	Foster	Griesheimer
Gross	Loudon	Russell--7	
Absent--Senators--None			
Absent with leave--Senators			
DePasco	Quick--2		
Excused from voting--Senator Shields--1			

Senator Steelman offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 28, Section 537.071, Lines 17-25 of said page, by striking said section from the bill; and further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bartle, Bray, Days and Griesheimer.

SA 7 was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Coleman
Days	Dougherty	Gibbons	Goode
Jacob	Kennedy	Kinder	Klindt
Mathewson	Steelman	Stoll	Wheeler--16
NAYS--Senators			
Cauthorn	Champion	Childers	Clemens
Foster	Griesheimer	Gross	Loudon
Nodler	Scott	Shields	Yeckel--12
Absent--Senators			
Bland	Dolan	Russell	Vogel--4
Absent with leave--Senators			
DePasco	Quick--2		

Senator Bartle offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Pages 42-43, Section 538.234, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 24, Section 510.263, Line 29 of said page, by striking all of said line; and

Further amend said bill and section, Page 25, Lines 1 to 10 of said page, by striking all of said lines.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 43, Section 1, Line 28 of said page, by inserting after all of said line the following:

"Section 2. The provisions of this act shall only apply to causes of action filed after August 28, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 1, Section A, Line 9 of said page, by inserting after all of said line the following:

"34.360. This act may be known and may be cited as the "Private Attorney Retention Act".

34.363. For the purposes of sections 34.360 to 34.371, a contract is a contract or contracts in which the fee paid to an attorney or group of attorneys, either in the form of a flat, hourly, or contingent fee, and their expenses, exceeds or can be reasonably expected to exceed one hundred thousand dollars in any fiscal year.

34.366. Any state agency that wishes to retain a lawyer or law firm to perform legal services on behalf of the agency shall obtain such services through open and competitive bids.

34.369. No state agency shall enter into a contract or contracts for legal services or encumber on behalf of any such contract or contracts in an amount exceeding one hundred thousand dollars in any fiscal year without a specific appropriation for that purpose.

34.371. 1. At the conclusion of any legal proceeding for which a state agency retained outside counsel on a contingent fee basis, the state agency shall receive from counsel a statement of the hours worked on the case, expenses incurred, the aggregate fee amount, and a breakdown as to the hourly rate, based on hours worked divided into fee recovered, less expenses. Each state agency shall transmit the information to the office of administration on October first for the preceding fiscal year and the office of administration shall submit a report to the general assembly before January first, annually.

2. In no case shall any state agency pay expenses in excess of one thousand dollars per hour for legal services.";
and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Clemens, Cauthorn, Scott and Foster.

Senator Jacob raised the point of order that **SA 11** is out of order, as it exceeds the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 11 was again taken up.

Senator Jacob offered **SSA 1** for **SA 11**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 1, Section A, Line 9, by inserting after all of said line the following:

"34.360. This act may be known and may be cited as the "Private Attorney Retention Act".

34.363. For the purposes of sections 34.360 to 34.371, a contract is a contract or contracts in which the fee paid to an attorney or group of attorneys, either in the form of a flat, hourly, or contingent fee, and their expenses, exceeds or can be reasonably expected to exceed one hundred thousand dollars in any fiscal year.

34.366. Any state agency that wishes to retain a lawyer or law firm to perform legal services on behalf of the agency shall obtain such services through open and competitive bids. Any bank account of the state with a value of ten thousand dollars or more shall be obtained through open and competitive bids.

34.369. No state agency shall enter into a contract or contracts for legal services or encumber on behalf of any such contract or contracts in an amount exceeding one hundred thousand dollars in any fiscal year without a specific appropriation for that purpose.

34.371. 1. At the conclusion of any legal proceeding for which a state agency retained outside counsel on a contingent fee basis, the state agency shall receive from counsel a statement of the hours worked on the case, expenses incurred, the aggregate fee amount, and a breakdown as to the hourly rate, based on hours worked divided into fee recovered, less expenses. Each state agency shall transmit the information to the office of administration on October first for the preceding fiscal year and the office of administration shall submit a report to the general assembly before January first, annually.

2. In no case shall any state agency pay expenses in excess of one thousand dollars per hour for legal services.";
and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted.

Senator Kinder requested a roll call vote be taken and was joined in his request by Senators Champion, Griesheimer, Klindt and Jacob.

Senator Childers assumed the Chair.

SSA 1 for **SA 11** was adopted by the following vote:

YEAS--Senators

Bartle

Bray

Caskey

Cauthorn

Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll		Vogel	Yeckel--27
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan	Goode	Loudon
Wheeler--5			
	Absent with leave--Senators		
DePasco	Quick--2		

Senator Bartle offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 27, Section 537.067, Line 4 of said page, by striking the word "fifty" and inserting in lieu thereof the following: **"ten"**.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Bartle, **SA 12** was withdrawn.

Senator Steelman offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 41, Section 538.225, Lines 10-13, by deleting all of said lines and inserting in lieu thereof the following:

"2. The health care provider who offers such opinion shall have education, training and experience in a like area of expertise as the defendant health care provider. The affidavit shall state the qualifications of such health care providers to offer such opinion."

Senator Steelman moved that the above amendment be adopted.

Senator Shields assumed the Chair.

Senator Bartle offered **SSA 1** for **SA 13**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 41, Section 538.225, Lines 10-13, by deleting all of said lines and inserting in lieu thereof the following:

"2. The health care provider who offers such opinion shall have education, training and experience in a substantially similar area of expertise as the defendant health care provider. The affidavit shall state the qualifications of such health care providers to offer such opinion along with their name and address."

Senator Bartle moved that the above substitute amendment be adopted.

At the request of Senator Bartle, **SSA 1** for **SA 13** was withdrawn.

SA 13 was again taken up.

Senator Bartle offered SSA 2 for SA 13:

SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 41, Section 538.225, Line 9, by inserting at the end of said line the following: "The written opinion shall be subject to in camera review at the request of any defendant for a determination of whether the health care provider offering such an opinion meets the qualifications set forth in subsection 6 of this section."; and further amend said section and page, lines 10-11 by deleting the words "**the name and address of all health care providers offering such opinion and**"; and further amend said section and page, line 26, by deleting "**, including certifications,**".

Senator Bartle moved that the above substitute amendment be adopted, which motion prevailed.

Senator Scott offered SA 14, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 26, Section 512.099, Line 15 of said page, by striking "twenty-five" and inserting in lieu thereof the following: "**fifty**"; and further amend said section and page, line 18, by striking "twenty-five" and inserting in lieu thereof the following: "**fifty**"; and further amend said section and page, line 22, by striking "twenty-five" and inserting in lieu thereof the following: "**fifty**"; and further amend said section and page, line 24, by striking "twenty-five" and inserting in lieu thereof the following: "**fifty**".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 9, Section 258.100, Line 24, by inserting the words "or utilized" after the word "acquired" on said line and further amend said section and page, line 25, by inserting the words "or utilized" after the word "acquired" on said line.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered SA 16, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 27, Section 537.067, Line 4, by deleting the word "fifty" and inserting in lieu thereof the word "twenty".

Senator Scott moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dougherty	Gibbons	Griesheimer	Gross

Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
	Absent--Senators		
Bland	Bray	Dolan	Foster
Goode	Jacob	Mathewson	Wheeler--8
	Absent with leave--Senators		
DePasco	Quick--2		

Senator Gibbons offered **SSA 1** for **SA 16**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 27, Section 537.067, Line 4, by deleting the word "fifty" and inserting in lieu thereof the word "ten".

Senator Gibbons moved that the above substitute amendment be adopted.

Senator Jacob offered **SA 1** to **SSA 1** for **SA 16**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 16

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 16 for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 1, Section 537.067, Line 2, by deleting "ten" and inserting in lieu thereof the following: "**forty-nine**".

Senator Jacob moved that the above amendment be adopted.

Senator Cauthorn raised the point of order that **SA 1** to **SSA 1** for **SA 16** is out order as it is in the third degree.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SSA 1 for **SA 16** was again taken up.

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--27	
	Absent--Senators		
Bland	Dolan	Foster	Goode
Wheeler--5			
	Absent with leave--Senators		

At the request of Senate Scott, **SB 280**, with **SCS, SS** for **SCS, SS** for **SS** for **SCS, SA 16** and **SSA 1** for **SA 16** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 399, regarding Bernard Warren Goodin, Henley, which was adopted.

Senator Vogel offered Senate Resolution No. 400, regarding the One Hundredth Birthday of Lois Mae (McDonald) Crismon, Eldon, which was adopted.

Senator Jacob offered Senate Resolution No. 401, regarding Cedar Ridge Elementary School, Columbia, which was adopted.

Senator Caskey offered Senate Resolution No. 402, regarding Wayne Reid, Peculiar, which was adopted.

Senator Kennedy offered Senate Resolution No. 403, regarding Marie Lucille (Myers) Edgar, Potosi, which was adopted.

Senator Shields offered Senate Resolution No. 404, regarding Caroline Marie Hinrichs, Gladstone, which was adopted.

COMMUNICATIONS

Senator Gibbons submitted the following:

March 13, 2003

Mrs. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Mrs. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 92nd General Assembly's Sportsmen's Caucus at the January 28, 2003 meeting.

Please add the following member(s) to the caucus:

- Senator Bill Foster

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem Kinder submitted the following:

March 13, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Transportation Oversight

Dear Terry:

Pursuant to Section 21.795, RSMo 2002, I am appointing Senator Jon Dolan to the Joint Committee on Transportation Oversight.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Also,

March 13, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Gaming and Wagering

Dear Terry:

Pursuant to Section 313.001, RSMo 2002, I am appointing the following Senators to the Joint Committee on Gaming and Wagering:

Senator Carl Vogel

Senator John Griesheimer

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, his wife, Teresa, and their son, Andrew; and Jane Houf, Angie Walker, Julie Scholting, Vickie Mika, Sissy Hauen, Gina Thomas, Dan Pehle, A. Adams, Becky Peterson, Ruth Ann Frey, Charlotte Iman, and thirty-eight students from McMillan Elementary School, Mexico.

Senator Wheeler introduced to the Senate, John Sparks, and thirteen members of St. Elizabeth's Pack 150 Cub Scouts,

Kansas City.

Senator Kennedy introduced to the Senate, students from St. Cecilia's Grade School, St. Louis.

Senator Kennedy introduced to the Senate, Joan Chiavello, Clarendon Hills, Illinois.

Senator Kinder introduced to the Senate, former Lieutenant Governor Bill Phelps, Kansas City; and Franklin Norman, Vernon County.

Senator Russell introduced to the Senate, Mrs. Geraldine Rader, Mrs. Blunk, and forty-five seventh grade students from Winona Middle School, Winona.

Senator Russell introduced to the Senate, Jim Shapiro, Camdenon.

Senator Cauthorn introduced to the Senate, Tatum Thurman, Betsy Ross, Julie Ross, Brenda Miller, Pam Sampson, Aaron Baker, and twenty-one students from Atlanta C-3 School, Atlanta.

Senator Russell introduced to the Senate, Samantha Borgman, Ethan Niehaus, Derek

Daniels, Shelly Renegar, Jennifer Matthews, Kayla Smith, Shirley Chambers, Katrina Patterson, and students from Mountain View Birch Tree Elementary School, Mountain View; and Samantha, Ethan, Derek, Shelly, and Jennifer were made honorary pages.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Barbara Keller, M.D., Columbia.

Senator Kinder introduced to the Senate, fifty fourth grade students from Nell Holcomb School, Cape Girardeau.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Friday, March 14, 2003.

SENATE CALENDAR

THIRTY-EIGHTH DAY-FRIDAY, MARCH 14, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 599-Childers and Gibbons

SB 636-Mathewson

SB 670-Dougherty

SB 675-Gross, et al

SB 677-Vogel and Russell

SB 678-Vogel and Russell

SJR 21-Cauthorn

HOUSE BILLS ON SECOND READING

HCS for HB 288

HCS for HB 390

HB 91-Mayer

HCS for HB 273

HCS for HB 281

HS for HCS for HBs 349,

120, 136 & 328-Crawford

HB 75-Ruestman, et al

HCS for HB 131

HCS for HBs 152 & 180

HCS for HB 166

HCS for HB 181

HB 187-Cooper (120) and

Davis (122)

HB 208-Engler, et al

HB 286-Bearden

HCS for HB 245

HCS for HBs 59 & 269

HCS for HB 202

HB 247-Ward, et al

HCS for HB 253

HB 278-Davis (19) and

Parker

HCS for HB 277

HB 292-Wagner

HB 314-Engler

HCS for HB 289

HCS for HB 554

HS for HCS for HB 156-

Phillips

HS for HCS for HB 257-

Munzlinger

HCS for HB 410

HCS for HB 144

SENATE BILLS FOR PERFECTION

1. SB 298-Griesheimer,

with SCS

2. SB 427-Bartle, et al, with SCS

3. SBs 125 & 290-Goode,

with SCS

4. SB 422-Childers, with SCS

5. SB 2-Russell, with SCS

6. SB 544-Gross, et al, with

SCS

7. SB 450-Mathewson, et al,

with SCS

8. SB 305-Jacob and Steelman

9. SB 410-Shields and Goode,

with SCS

10. SB 5-Caskey, with SCS

11. SBs 556 & 311-Kinder,

et al, with SCS

12. SB 243-Yeckel

13. SBs 361, 103, 156 &

329-Steelman, with SCS

14. SB 28-Gross

15. SB 362-Steelman and

Gross

16. SB 184-Bartle and Scott

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,

with SCS & SS for SCS

(pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott, with SS (pending)

SB 51-Shields

SB 69-Yeckel and Nodler,

with SCS (pending)

SB 112-Loudon, with SCS

SB 207-Mathewson

SB 217-Champion and

Clemens, with SS (pending)

SB 253-Steelman, et al, with

SCS, SS for SCS & SA 1 (pending)

SB 264-Shields, with SCS

SB 280-Scott, et al, with SCS,

SS for SCS, SS for SS for

SCS, SA 16 & SSA 1 for SA 16 (pending)

SB 300-Cauthorn, et al, with SCS

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS,

SS for SCS & SA 2 (pending)

SB 481-Dolan, et al, with

SCS, SS for SCS & SS

for SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 385-Scott, with SCS

Reported 3/3

SB 327-Gross and Mathewson

SB 496-Yeckel

SB 388-Klindt, et al

SB 237-Russell, et al, with SCS

SB 421-Mathewson, with SCS

SB 202-Childers, with SCS

SB 175-Loudon

SB 52-Shields, with SCS#2

SB 1-Russell, with SCS#2

Reported 3/4

SB 457-Caskey

SB 467-Bartle

SB 61-Caskey, with SCS

SB 537-Jacob

SB 448-Bartle

SB 394-Bartle

SB 395-Bartle

SB 471-Bartle

SB 470-Bartle

SB 469-Bartle

SB 468-Bartle

Reported 3/10

SB 295-Shields, with SCS

SB 521-Gross

SB 522-Gross

SB 529-Childers

SB 540-Gross

SB 546-Caskey, with SCS

SB 547-Caskey, with SCS

SB 392-Shields

SB 519-Foster, with SCA 1

SB 204-Yeckel, et al

SB 431-Gibbons

SB 506-Clemens

SB 425-Scott

SB 73-Bland, with SCS

SB 358-Shields, with SCS

SB 93-Shields

SB 447-Bartle, with SCS

SB 407-Klindt

SB 373-Bartle, with SCS

Reported 3/11

SB 165-Bland

SB 480-Dolan

SB 492-Scott

SB 548-Champion

SB 607-Loudon

SB 616-Nodler

SB 399-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 571-Loudon

SB 618-Kennedy and Shields

SB 534-Cauthorn

SB 351-Dougherty, with SCS

SB 16-Childers, with SCS

SB 120-Caskey

SB 504-Clemens and

Champion, with SCS

SB 513-Kennedy and Coleman,
with SCS

SB 562-Griesheimer, with SCS

SB 577-Shields

SB 578-Shields

SB 590-Shields

SB 592-Foster, with SCS

SB 621-Loudon, with SCS

SB 635-Mathewson, with SCS

SB 694-Klindt

SB 180-Bland

SBs 632 & 644-Days, with SCS

SB 642-Foster, with SCS

SB 676-Kennedy, with SCS

SB 666-Bland, with SCS

SB 686-Russell, with SCS

SB 334-Goode

SB 651-Steelman, et al

SB 668-Cauthorn and Klindt

SB 606-Coleman

SB 611-Clemens, et al

SB 623-Foster

SB 293-Vogel

SB 583-Nodler

SB 438-Clemens, et al

SB 490-Dolan

SB 594-Bray, with SCS

SB 598-Childers and Nodler

SB 697-Nodler, et al

SB 552-Yeckel

SB 463-Gross

SB 511-Kinder, et al

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-EIGHTH DAY--FRIDAY, MARCH 14, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"The human mind plans the way, but the Lord directs the steps." (Proverbs 16:9)

Gracious God, we trust that You will direct our way as we weigh the needs of our people and construct a path that takes us to that future known only to You. Help us, we pray, in our discernment and grant us wisdom to make insightful decisions that will get us there. And Lord watch over us this day our "going out and coming in". In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
Absent with leave--Senators			
DePasco	Dolan	Goode	Quick--4
The Lieutenant Governor was present.			

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 38**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 280**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 16** and **SSA 1** for **SA 16** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 16** was again taken up.

Senator Gibbons moved that the above amendment be adopted.

Senator Childers assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bray	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Dougherty
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--25			
Absent--Senators			
Bartle	Jacob--2		
Absent with leave--Senators			
Bland	Days	DePasco	Dolan
Goode	Quick	Wheeler--7	

Photographers from KRCG-TV, KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

A quorum was established by the following vote:

Present--Senators			
Bray	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--26		
Absent--Senator Bartle--1			
Absent with leave--Senators			
Bland	Days	DePasco	Dolan
Goode	Quick	Wheeler--7	

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder

Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--27	
	Absent--Senators--None		
	Absent with leave--Senators		
Bland	Days	DePasco	Dolan
Goode	Quick	Wheeler--7	

A quorum was established by the following vote:

	Present--Senators		
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
	Absent--Senators		
Bartle	Bray	Loudon	Russell--4
	Absent with leave--Senators		
Bland	Days	DePasco	Dolan
Goode	Quick	Wheeler--7	

President Maxwell assumed the Chair.

A quorum was established by the following vote:

	Present--Senators		
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Dougherty	Foster
Gibbons	Griesheimer	Gross	Kennedy
Klindt	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--21			
	Absent--Senators		
Bartle	Bray	Jacob	Kinder
Loudon	Mathewson--6		
	Absent with leave--Senators		
Bland	Days	DePasco	Dolan
Goode	Quick	Wheeler--7	

A quorum was established by the following vote:

	Present--Senators		
Bartle	Caskey	Champion	Childers
Coleman	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
	Absent--Senators		

Bray	Cauthorn	Clemens	Loudon
Stoll--5			
	Absent with leave--Senators		
Bland	Days	DePasco	Dolan
Goode	Quick	Wheeler--7	

Senator Gross assumed the Chair.

Senator Shields assumed the Chair.

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dougherty	Foster	Gibbons	Griesheimer
Gross	Kennedy	Kinder	Klindt
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel--24
	Absent--Senators		
Jacob	Loudon	Yeckel--3	
	Absent with leave--Senators		
Bland	Days	DePasco	Dolan
Goode	Quick	Wheeler--7	

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dougherty	Foster	Gibbons	Griesheimer
Gross	Kennedy	Kinder	Klindt
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel--23	
	Absent--Senators		
Bray	Jacob	Loudon	Mathewson
Yeckel--5			
	Absent with leave--Senators		
Days	DePasco	Dolan	Goode
Quick	Wheeler--6		

SSA 1 for **SA 16** was again taken up.

Senator Gibbons moved that the above substitute amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Steelman offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 14,

Section 355.176, Line 3 of said page, by striking the word "or"; and further amend line 5 of said page, by inserting immediate after the word "maintained" the following: "; **or**

(3) The county in which the corporation maintains its principal place of business"; and

Further amend said bill, page 17, Section 508.010, line 17 of said page, by inserting immediately after "actions" the following: "**filed after August 28, 2003**"; and further amend lines 19-20 of said page, by striking all of said lines inserting in lieu thereof the following: "**suit may be brought in the following counties:**

(a) Where a substantial part of the event or omission complained of occurred;

(b) Where any defendant resides, provided that a corporate defendant resides only in the county where the office of its registered agent is located or where it has its principal office;

(c) If a defendant is a motor carrier regulated pursuant to chapter 390, RSMo, then any county where the defendant operates;

(d) If all defendants are nonresidents, then venue is proper in any county;

(e) If any defendant is a resident, whether that defendant is joined originally or is added as a party at any time subsequent to the filing of the action, venue is proper only as set forth in paragraphs (a) through (c) of this subdivision, and any resident party may move for a dismissal based upon improper venue when added as a party defendant, provided that said motion is made within the time prescribed by supreme court rule. Process"; and further amend lines 26-29 of said page, by striking all of said lines; and

Further amend said bill and section, page 18, line 1 of said page, by striking all of said line; and

Further amend said bill, page 18, Section 508.040, lines 2-16 of said page, by striking all of said section from the bill; and

Further amend said bill, pages 18-21, Section 508.075, by striking all of said section from the bill; and

Further amend said bill, pages 21-22, Section 508.120, by striking all of said section from the bill; and

Further amend said bill, page 22, Section 508.290, lines 2-23 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 17**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 17

Amend Senate Amendment No. 17 to Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 1, Section 355.176, Line 17, by deleting the word "its" and inserting in lieu thereof "a"; and further amend said bill and section, page 1, line 18, by inserting after the word "business" the following "The term principal office shall defined as any offices where the corporation conducts a significant portion of its business.".

Senator Caskey moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 1** to **SA 17** is out of order in that it is in the third degree.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Caskey offered **SSA 1** for **SA 17**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 14, Section 355.176, Line 3 of said page, by striking the word "or"; and further amend line 5 of said page, by inserting immediate after the word "maintained" the following: "; **or**

(3) The county in which the corporation maintains a principal place of business. The term "principal office" shall be defined as any offices where the corporation conducts a significant portion of its business."; and

Further amend said bill, page 17, Section 508.010, line 17 of said page, by inserting immediately after "actions" the following: "**filed after August 28, 2003**"; and further amend lines 19-20 of said page, by striking all of said lines inserting in lieu thereof the following: "**suit may be brought in the following counties:**

(a) Where a substantial part of the event or omission complained of occurred;

(b) Where any defendant resides, provided that a corporate defendant resides only in the county where the office of its registered agent is located or where it has its principal office;

(c) If a defendant is a motor carrier regulated pursuant to chapter 390, RSMo, then any county where the defendant operates;

(d) If all defendants are nonresidents, then venue is proper in any county;

(e) If any defendant is a resident, whether that defendant is joined originally or is added as a party at any time subsequent to the filing of the action, venue is proper only as set forth in paragraphs (a) through (c) of this subdivision, and any resident party may move for a dismissal based upon improper venue when added as a party defendant, provided that said motion is made within the time prescribed by supreme court rule. Process"; and further amend lines 26-29 of said page, by striking all of said lines; and

Further amend said bill and section, page 18, line 1 of said page, by striking all of said line; and

Further amend said bill, page 18, Section 508.040, lines 2-16 of said page, by striking all of said section from the bill; and

Further amend said bill, pages 18-21, Section 508.075, by striking all of said section from the bill; and

Further amend said bill, pages 21-22, Section 508.120, by striking all of said section from the bill; and

Further amend said bill, page 22, Section 508.290, lines 2-23 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Cauthorn, Childers, Days and Jacob.

SSA 1 for **SA 17** failed of adoption by the following vote:

YEAS--Senators

Bland

Bray

Caskey

Days

Dougherty	Jacob	Mathewson--7	
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Kennedy	Kinder	Klindt
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--20
	Absent--Senators		
Coleman	Loudon--2		
	Absent with leave--Senators		
DePasco	Dolan	Goode	Quick
Wheeler--5			

Senator Gibbons offered **SSA 2** for **SA 17**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 17, Section 508.010, Line 20, by placing an opening bracket before the word "regardless" and a closing bracket after the word "parties"; and

Further amend said section, line 20, by adding after the word "accrued" the following: "**or the county where the defendant resides.**".

Senator Gibbons moved that the above substitute amendment be adopted.

President Maxwell assumed the Chair.

Senator Caskey requested a roll call vote be taken on the adoption of **SSA 2** for **SA 17** and was joined in his request by Senators Bartle, Days, Gibbons and Mathewson.

SSA 2 for **SA 17** was adopted by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
	NAYS--Senators		
Bland	Bray	Caskey	Days
Jacob	Kennedy	Stoll--7	
	Absent--Senators		
Coleman	Dougherty--2		
	Absent with leave--Senators		
DePasco	Dolan	Goode	Quick
Wheeler--5			

Senator Jacob offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 17, Section 508.010, Line 28, by inserting after the word "located" the following "or in the county where the corporation conducts a substantial portion of its business".

Senator Jacob moved that the above amendment be adopted.

Senator Stoll requested a roll call vote be taken on the adoption of **SA 18** and was joined in his request by Senators Jacob, Kinder, Mathewson and Scott.

SA 18 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Days
Jacob	Kennedy	Mathewson	Stoll--8
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
	Absent--Senators		
Coleman	Dougherty--2		
	Absent with leave--Senators		
DePasco	Dolan	Goode	Quick
Wheeler--5			

Senator Steelman offered **SA 19**, which was read:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 21, Section 508.075.7, Lines 10-12, by deleting all of said lines.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 26, Section 512.099, Line 27 of said page, by inserting after all of said line the following:

"516.600. Any action to recover damages from injury or illness caused by childhood sexual abuse in an action brought pursuant to section 537.046, RSMo, shall be commenced within ten years of the plaintiff attaining the age of twenty-one or within three years of the date of discovering, or reasonably should have discovered, that the injury or illness was caused by childhood sexual abuse, whichever later occurs.

537.046. 1. As used in this section, the following terms mean:

(1) "Childhood sexual abuse", any act committed by the defendant against the plaintiff which act occurred when the plaintiff was under the age of eighteen years and which act would have been a violation of section 566.030, 566.040, 566.050, 566.060, 566.070, 566.080, 566.090, 566.100, 566.110, or 566.120, RSMo, or section 568.020, RSMo;

(2) "Injury" or "illness", either a physical injury or illness or a psychological injury or illness. A psychological injury or illness need not be accompanied by physical injury or illness.

2. [In any civil action for recovery of damages suffered as a result of childhood sexual abuse, the time for commencement of the action shall be within five years of the date the plaintiff attains the age of eighteen or within three years of the date the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by child sexual abuse, whichever later occurs.

3.] This section shall apply to any action commenced on or after August 28, 1990, including any action which would have been barred by the application of the statute of limitation applicable prior to that date."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 12, Section 307.178, Lines 5-22 of said page, by striking all of said lines and inserting in lieu thereof the following:

"4. In an action for damages, the failure to use a seat belt or child safety restraint device in accordance with this section may be considered by the trier of fact under principles of comparative fault if the defendant proves: a) that such failure was negligent under the circumstances; and b) the existence and extent of the causal relation between such negligence and the damages at issue".

Senator Steelman moved that the above amendment be adopted.

Senator Bartle offered **SSA 1** for **SA 21**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 12, Section 307.178, Lines 5-22 of said page, by striking all of said lines and inserting in lieu thereof the following:

"4. In an action for damages, the failure to use a seat belt or child safety restraint device in accordance with this section may be considered by the trier of fact under principles of comparative fault if the defendant proves: a) that such failure was negligent under the circumstances; and b) the existence of a causal relation between such negligence and the damages at issue".

Senator Bartle moved that the above substitute amendment be adopted.

At the request of Senator Bartle, **SSA 1** for **SA 21** was withdrawn.

SA 21 was again taken up.

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator Scott moved that **SS** for **SS** for **SCS** for **SB 280**, as amended, be adopted, which motion prevailed.

Senator Scott moved that **SS** for **SS** for **SCS** for **SB 280**, as amended, be declared perfected and ordered printed.

Senator Kinder requested a roll call vote be taken on the perfection of **SS** for **SS** for **SCS** for **SB 280**, as amended, and

was joined in his request by Senators Bartle, Childers, Griesheimer and Nodler.

SS for **SS** for **SCS** for **SB 280**, as amended, was declared perfected and ordered printed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
NAYS--Senators			
Bland	Bray	Caskey	Days
Jacob	Kennedy	Mathewson	Stoll
Wheeler--9			
Absent--Senators			
Coleman	Dougherty--2		
Absent with leave--Senators			
DePasco	Dolan	Goode	Quick--4

RESOLUTIONS

Senator Wheeler offered Senate Resolution No. 405, regarding the death of James D. Turnbaugh, Jr., Kansas City, which was adopted.

Senator Klindt offered Senate Resolution No. 406, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Butterfield, Meadville, which was adopted.

Senator Russell offered Senate Resolution No. 407, regarding Barker Shannon, Mountain Grove, which was adopted.

Senator Russell offered Senate Resolution No. 408, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Dixon, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, his brother, Steve Maxwell, Rush Hill.

Senator Kennedy introduced to the Senate, Mariano Favazza, St. Louis.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, March 17, 2003.

SENATE CALENDAR

THIRTY-NINTH DAY-MONDAY, MARCH 17, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 599-Childers and Gibbons

SB 636-Mathewson

SB 670-Dougherty

SB 675-Gross, et al

SB 677-Vogel and Russell

SB 678-Vogel and Russell

SJR 21-Cauthorn

HOUSE BILLS ON SECOND READING

HCS for HB 288

HCS for HB 390

HB 91-Mayer

HCS for HB 273

HCS for HB 281

HS for HCS for HBs 349,
120, 136 & 328-Crawford

HB 75-Ruestman, et al

HCS for HB 131

HCS for HBs 152 & 180

HCS for HB 166

HCS for HB 181

HB 187-Cooper (120) and

Davis (122)

HB 208-Engler, et al

HB 286-Bearden

HCS for HB 245

HCS for HBs 59 & 269

HCS for HB 202

HB 247-Ward, et al

HCS for HB 253

HB 278-Davis (19) and Parker

HCS for HB 277

HB 292-Wagner

HB 314-Engler

HCS for HB 289

HCS for HB 554

HS for HCS for HB 156-Phillips

HS for HCS for HB 257-Munzlinger

HCS for HB 410

HCS for HB 144

SENATE BILLS FOR PERFECTION

1. SB 298-Griesheimer, with SCS

2. SB 427-Bartle, et al, with SCS

3. SBs 125 & 290-Goode,

with SCS

4. SB 422-Childers, with SCS

5. SB 2-Russell, with SCS
6. SB 544-Gross, et al, with SCS
7. SB 450-Mathewson, et al, with SCS
8. SB 305-Jacob and Steelman
9. SB 410-Shields and Goode, with SCS
10. SB 5-Caskey, with SCS
11. SBs 556 & 311-Kinder, et al,
with SCS
12. SB 243-Yeckel
13. SBs 361, 103, 156 &
329-Steelman, with SCS
14. SB 28-Gross
15. SB 362-Steelman and Gross
16. SB 184-Bartle and Scott
17. SB 38-Klindt, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)
SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields

SB 69-Yeckel and Nodler,

with SCS (pending)

SB 112-Loudon, with SCS

SB 207-Mathewson

SB 217-Champion and

Clemens, with SS (pending)

SB 253-Steelman, et al, with

SCS, SS for SCS & SA 1

(pending)

SB 264-Shields, with SCS

SB 300-Cauthorn, et al, with

SCS

SB 347-Loudon, et al, with

SCS

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

SB 481-Dolan, et al, with SCS,

SS for SCS & SS for SS for

SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 385-Scott, with SCS

Reported 3/3

SB 327-Gross and Mathewson

SB 496-Yeckel

SB 388-Klindt, et al

SB 237-Russell, et al, with SCS

SB 421-Mathewson, with SCS

SB 202-Childers, with SCS

SB 175-Loudon

SB 52-Shields, with SCS#2

SB 1-Russell, with SCS#2

Reported 3/4

SB 457-Caskey

SB 467-Bartle

SB 61-Caskey, with SCS

SB 537-Jacob

SB 448-Bartle

SB 394-Bartle

SB 395-Bartle

SB 471-Bartle

SB 470-Bartle

SB 469-Bartle

SB 468-Bartle

Reported 3/10

SB 295-Shields, with SCS

SB 521-Gross

SB 522-Gross

SB 529-Childers

SB 540-Gross

SB 546-Caskey, with SCS

SB 547-Caskey, with SCS

SB 392-Shields

SB 519-Foster, with SCA 1

SB 204-Yeckel, et al

SB 431-Gibbons

SB 506-Clemens

SB 425-Scott

SB 73-Bland, with SCS

SB 358-Shields, with SCS

SB 93-Shields

SB 447-Bartle, with SCS

SB 407-Klindt

SB 373-Bartle, with SCS

Reported 3/11

SB 165-Bland

SB 480-Dolan

SB 492-Scott

SB 548-Champion

SB 607-Loudon

SB 616-Nodler

SB 399-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 571-Loudon

SB 618-Kennedy and Shields

SB 534-Cauthorn

SB 351-Dougherty, with SCS

SB 16-Childers, with SCS

SB 120-Caskey

SB 504-Clemens and

Champion, with SCS

SB 513-Kennedy and Coleman,
with SCS

SB 562-Griesheimer, with SCS

SB 577-Shields

SB 578-Shields

SB 590-Shields

SB 592-Foster, with SCS

SB 621-Loudon, with SCS

SB 635-Mathewson, with SCS

SB 694-Klindt

SB 180-Bland

SBs 632 & 644-Days, with SCS

SB 642-Foster, with SCS

SB 676-Kennedy, with SCS

SB 666-Bland, with SCS

SB 686-Russell, with SCS

SB 334-Goode

SB 651-Steelman, et al

SB 668-Cauthorn and Klindt

SB 606-Coleman

SB 611-Clemens, et al

SB 623-Foster

SB 293-Vogel

SB 583-Nodler

SB 438-Clemens, et al

SB 490-Dolan

SB 594-Bray, with SCS

SB 598-Childers and Nodler

SB 697-Nodler, et al

SB 552-Yeckel

SB 463-Gross

SB 511-Kinder, et al

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate
FIRST REGULAR SESSION

THIRTY-NINTH DAY--MONDAY, MARCH 17, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Faith by itself, if it has no works, is dead." (James 2:17)

Gracious God, we return from our shortened weekend recognizing that our work is important and must be completed. Continue to bless our faith so it is an active mighty thing that requires us to constantly be doing good. And we pray for Senator Dolan's wife that You will touch her with Your healing power, restoring her to health and wholeness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, March 14, 2003, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

CONCURRENT RESOLUTIONS

Senators Dolan and Kinder offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, the people of the state of Missouri view with growing concern the proliferation and buildup of nuclear, chemical and biological weapons of mass destruction and missile delivery systems for these weapons in the hands of hostile, or potentially hostile, and unstable foreign regimes; and

WHEREAS, the tragedy of September 11, 2002 shows that America is vulnerable to attack by foreign enemies; and

WHEREAS, North Korea has clearly established its intention to proceed with the further development of its offensive ballistic missiles and nuclear armaments, either as instruments of blackmail and extortion or for operational deployment, thereby contravening all previous nonproliferation agreements and understandings, with the effect of threatening the security of South Korea, Japan and the United States; and

WHEREAS, the people of the state of Missouri wish to affirm their support of the Government of the United States to take all action necessary to protect the people of America and future generations, including from attacks by missiles capable of causing mass destruction and loss of American lives:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the President of the United States to continue to take all actions necessary, directing the considerable scientific and technological capability of the great Union, to protect all fifty states and their people, our allies and our armed forces abroad from the threat of missile attack; and

BE IT FURTHER RESOLVED that the President of the United States and Congress be urged to consider that a nationwide, effective missile defense system will require the deployment of a robust, multi-layered architecture consisting of integrated land-based, sea-based and space-based capabilities to deter evolving future threats from missiles as weapons of mass destruction and to meet and destroy them when necessary; and

BE IT FURTHER RESOLVED that the President of the United States and Congress be urged to plan and fund a missile defense system beyond 2005 that would consolidate technological advancement and expansion from the limited applications currently planned; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

THIRD READING OF SENATE BILLS

SB 327, introduced by Senators Gross and Mathewson, entitled:

An Act to repeal sections 339.517 and 339.537, RSMo, and to enact in lieu thereof two new sections relating to the real estate appraisers commission.

Was called from the Consent Calendar and taken up by Senator Gross.

On motion of Senator Gross, **SB 327** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 496, introduced by Senator Yeckel, entitled:

An Act to repeal sections 364.030, 364.105, 365.030, 367.140, 367.509, and 408.500, RSMo, and to enact in lieu

thereof six new sections relating to the licensing, regulation and activities of lenders.

Was called from the Consent Calendar and taken up.

On motion of Senator Yeckel, **SB 496** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Klindt moved that motion lay on the table, which motion prevailed.

SB 388, introduced by Senator Klindt, et al, entitled:

An Act to repeal sections 348.195 and 348.210, RSMo, and to enact in lieu thereof two new sections relating to loan guarantees.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **SB 388** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 237, with **SCS**, introduced by Senator Russell, et al, entitled:

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to fishing contests.

Was called from the Consent Calendar and taken up by Senator Russell.

SCS for **SB 237**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 237

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to fishing contests.

Was taken up.

Senator Russell moved that **SCS** for **SB 237** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **SB 237** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler--32

NAYS--Senators--None

Absent--Senator Yeckel-- 1

Absent with leave--Senator DePasco-- 1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 421, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal section 311.174, RSMo, and to enact in lieu thereof one new section relating to the sale of liquor by the drink in certain convention and trade areas.

Was called from the Consent Calendar and taken up.

SCS for **SB 421**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 421

An Act to repeal section 311.097, RSMo, and to enact in lieu thereof one new section relating to the sale of liquor by the drink at certain establishments located on the grounds of certain sports stadiums.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 421** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 421** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
NAYS--Senators			
Caskey	Cauthorn	Champion	Coleman
Loudon	Russell--6		
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 202, with **SCS**, introduced by Senator Childers, entitled:

An Act to amend chapter 320, RSMo, by adding thereto one new section relating to access of fire protection entities to a water supply.

Was called from the Consent Calendar and taken up.

SCS for **SB 202**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 202

An Act to amend chapter 320, RSMo, by adding thereto one new section relating to access of fire protection entities to a water supply.

Was taken up.

Senator Childers moved that **SCS** for **SB 202** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SB 202** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Loudon moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

SB 175, introduced by Senator Loudon, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a food recovery program.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 175** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 52, with **SCS No. 2**, introduced by Senator Shields, entitled:

An Act to repeal section 143.183, RSMo, relating to the taxation of non-resident professional athletes and entertainers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS No. 2 for **SB 52**, entitled:

SENATE COMMITTEE SUBSTITUTE NO. 2

FOR SENATE BILL NO. 52

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to the taxation of nonresident professional athletes and entertainers.

Was taken up.

Senator Shields moved that **SCS No. 2** for **SB 52** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS No. 2** for **SB 52** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 1, with **SCS No. 2**, introduced by Senator Russell, entitled:

An Act to amend chapter 306, RSMo, by adding thereto two new sections relating to boating safety, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS No. 2 for **SB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE NO. 2

FOR SENATE BILL NO. 1

An Act to amend chapter 306, RSMo, by adding thereto three new sections relating to boating safety.

Was taken up.

Senator Russell moved that **SCS No. 2** for **SB 1** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS No. 2** for **SB 1** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 207** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 207, Page 2, Section 407.735, Line 37, by adding the following after said line:

"(9) Loss due to theft of the rental vehicle. However, the renter shall be presumed to have no liability for any loss due to theft if (A) an authorized driver has possession of the ignition key furnished by the rental company or an authorized driver establishes that the ignition key furnished by the rental company was not in the vehicle at the time of the theft, and (B) an authorized driver files an official report of the theft with the police or other law enforcement agency within 24 hours of learning of the theft and reasonably cooperates with the rental company and the police or other law enforcement agency in providing information concerning the theft. The presumption set forth in this paragraph is a presumption affecting the burden of proof which the rental company may rebut by establishing that an authorized driver committed, or aided and abetted the commission of, the theft."; and

Further amend said bill, said page and section, line 38, by striking the word "physical"; and

Further amend said bill, said page and section, line 41, by adding after the word "for" the following: "physical or mechanical".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SB 207**, as amended, was declared perfected and ordered printed.

Senator Shields moved that **SB 51** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Shields offered **SS** for **SB 51**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 51

An Act to repeal sections 173.005, 174.020, 174.241, 174.251, 174.261, 174.324, and 174.450, RSMo, and to enact in lieu thereof seven new sections relating to state institutions of higher education.

Senator Shields moved that **SS** for **SB 51** be adopted.

Senator Shields offered **SS** for **SS** for **SB 51**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 51

An Act to repeal sections 172.360, 173.005, 173.355, 173.385, 174.020, 174.241, 174.251, 174.261, 174.324, and 174.450, RSMo, and to enact in lieu thereof eleven new sections relating to state institutions of higher education.

Senator Shields moved that **SS** for **SS** for **SB 51** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Bill No. 51, Page 1, Section A, Line 6, by inserting after all of said line the following:

"160.545. 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

4. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 6 of this section.

6. The commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section, except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year

attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of said board.

7. The provisions of subsection 6 of this section shall not be interpreted to allow for any reimbursement to any four-year institutions of higher education, regardless of whether such reimbursements are made indirectly by means of a public community college or vocational or technical school. In order for any public community college or vocational or technical school to receive reimbursements pursuant to subsection 6 of this section, the qualifying student must exclusively attend a public community college or vocational or technical school.

[7.] **8.** The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate."; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Childers assumed the Chair.

At the request of Senator Shields, **SB 51**, with **SS**, **SS** for **SS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jesse C. Caudle, 50 Sunrise Drive, Winfield, Lincoln County, Missouri 63389, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Angelia Mary Elgin, 2634 St. Vincent Avenue, St. Louis City, Missouri 63104, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Ed Wildberger, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert V. Jacobi, Jr., 1421 Northeast 83rd Street, Kansas City, Clay County, Missouri 64118, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2006, and until his successor is duly appointed and qualified; vice, John Gaal, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lanny L. Meng, Democrat, 29248 Highway 29, Oregon, Holt County, Missouri 64473, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2006, and until his successor is duly appointed and qualified; vice, Katherine Wesselschmidt, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William D. Owens, M.D., Republican, 500 North South Road #102, St. Louis, St. Louis County, Missouri 63130, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2003, and until his successor is duly appointed and qualified; vice, Dr. Dorothy Fryer, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SS** for **SCS** for **SB 280**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SS** for **SS** for **SCS** for **SB 280** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 599--Economic Development, Tourism and Local Government.

SB 636--Small Business, Insurance and Industrial Relations.

SB 670--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 675--Ways and Means.

SB 677--Ways and Means.

SB 678--Ways and Means.

SJR 21--Agriculture, Conservation, Parks and Natural Resources.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 390**--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

HCS for **HB 281**--Education.

HS for **HCS** for **HBs 349, 120, 136** and **328**--Pensions and General Laws.

HB 75--Transportation.

HCS for **HB 131**--Pensions and General Laws.

HCS for **HBs 152** and **180**--Pensions and General Laws.

HCS for **HB 166**--Economic Development, Tourism and Local Government.

HCS for **HB 181**--Economic Development, Tourism and Local Government.

HB 187--Transportation.

HB 208--Commerce and the Environment.

HB 286--Aging, Families, Mental and Public Health.

HCS for **HB 245**--Transportation.

HCS for **HBs 59** and **269**--Aging, Families, Mental and Public Health.

HCS for **HB 202**--Aging, Families, Mental and Public Health.

HB 247--Transportation.

HCS for HB 253--Judiciary and Civil and Criminal Jurisprudence.

HB 278--Economic Development, Tourism and Local Government.

HCS for HB 277--Economic Development, Tourism and Local Government.

HB 292--Economic Development, Tourism and Local Government.

HB 314--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for HB 289--Commerce and the Environment.

HCS for HB 554--Education.

HS for HCS for HB 257--Agriculture, Conservation, Parks and Natural Resources.

HCS for HB 410--Transportation.

HCS for HB 144--Ways and Means.

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 409, regarding Hollis P. Osborne, Carthage, which was adopted.

Senator Nodler offered Senate Resolution No. 410, regarding Seneca High School, Seneca, which was adopted.

Senator Shields offered Senate Resolution No. 411, regarding Leandro James Lemen, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Childers introduced to the Senate, Chris Powers, Point Lookout.

Senator Mathewson introduced to the Senate, Kayleen Frazier, Topeka, Kansas; and Kayleen was made an honorary page.

Senator Bartle introduced to the Senate, Kylie Matthews, Wildwood.

Senator Loudon introduced to the Senate, Kim, Paige, Haley, and Julia Tunze, St. Charles; Caroline Krewson, Blue Springs; and his daughters, Lyda Lindsey and Lily Love Loudon, Ballwin; and Haley, Julia, Paige, and Caroline were made honorary pages.

Senator Wheeler introduced to the Senate, Dr. Roger E. Billings, Gallatin.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTIETH DAY-TUESDAY, MARCH 18, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 288

HB 91-Mayer

HCS for HB 273

HS for HCS for HB 156-Phillips

THIRD READING OF SENATE BILLS

SS for SS for SCS for

SB 280-Scott

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 298-Griesheimer, with SCS
2. SB 427-Bartle, et al, with SCS
3. SBs 125 & 290-Goode, with SCS
4. SB 422-Childers, with SCS
5. SB 2-Russell, with SCS
6. SB 544-Gross, et al, with SCS
7. SB 450-Mathewson, et al,
with SCS

8. SB 305-Jacob and Steelman

9. SB 410-Shields and Goode,
with SCS

10. SB 5-Caskey, with SCS

11. SBs 556 & 311-Kinder, et al,
with SCS

12. SB 243-Yeckel

13. SBs 361, 103, 156 &
329-Steelman, with SCS

14. SB 28-Gross

15. SB 362-Steelman and Gross

16. SB 184-Bartle and Scott

17. SB 38-Klindt, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)
SB 51-Shields, with SS, SS
for SS & SA 1 (pending)
SB 69-Yeckel and Nodler,
with SCS (pending)
SB 112-Loudon, with SCS
SB 217-Champion and
Clemens, with SS (pending)

SB 253-Steelman, et al,
with SCS, SS for SCS &
SA 1 (pending)

SB 264-Shields, with SCS

SB 300-Cauthorn, et al,
with SCS

SB 347-Loudon, et al,
with SCS

SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)

SB 481-Dolan, et al, with SCS,
SS for SCS & SS for SS for
SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 385-Scott, with SCS

Reported 3/4

SB 457-Caskey

SB 467-Bartle

SB 61-Caskey, with SCS

SB 537-Jacob

SB 448-Bartle

SB 394-Bartle

SB 395-Bartle

SB 471-Bartle

SB 470-Bartle

SB 469-Bartle

SB 468-Bartle Reported 3/10

SB 295-Shields, with SCS

SB 521-Gross

SB 522-Gross

SB 529-Childers

SB 540-Gross

SB 546-Caskey, with SCS

SB 547-Caskey, with SCS

SB 392-Shields

SB 519-Foster, with SCA 1

SB 204-Yeckel, et al

SB 431-Gibbons

SB 506-Clemens

SB 425-Scott

SB 73-Bland, with SCS

SB 358-Shields, with SCS

SB 93-Shields

SB 447-Bartle, with SCS

SB 407-Klindt

SB 373-Bartle, with SCS

Reported 3/11

SB 165-Bland

SB 480-Dolan

SB 492-Scott

SB 548-Champion

SB 607-Loudon

SB 616-Nodler

SB 399-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 571-Loudon

SB 618-Kennedy and Shields

SB 534-Cauthorn

SB 351-Dougherty, with SCS

SB 16-Childers, with SCS

SB 120-Caskey

SB 504-Clemens and

Champion, with SCS

SB 513-Kennedy and

Coleman, with SCS

SB 562-Griesheimer, with SCS

SB 577-Shields

SB 578-Shields

SB 590-Shields

SB 592-Foster, with SCS

SB 621-Loudon, with SCS

SB 635-Mathewson, with SCS

SB 694-Klindt

SB 180-Bland

SBs 632 & 644-Days, with SCS

SB 642-Foster, with SCS

SB 676-Kennedy, with SCS

SB 666-Bland, with SCS

SB 686-Russell, with SCS

SB 334-Goode

SB 651-Steelman, et al

SB 668-Cauthorn and Klindt

SB 606-Coleman

SB 611-Clemens, et al

SB 623-Foster

SB 293-Vogel

SB 583-Nodler

SB 438-Clemens, et al

SB 490-Dolan

SB 594-Bray, with SCS

SB 598-Childers and Nodler

SB 697-Nodler, et al

SB 552-Yeckel

SB 463-Gross

SB 511-Kinder, et al

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

To be Referred

SCR 14-Dolan and Kinder

Reported from Committee

SR 30-Shields, with SCS,
SS for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

FORTIETH DAY--TUESDAY, MARCH 18, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"Be merciful to me, O God, be merciful to me, for in you my soul takes refuge; until the destroying storms pass by." (Psalm 57:1)

Merciful God, we call upon You as we are drawn closer to war and young men and women's lives are put into harm's way. We pray that their souls find refuge in You while their bodies are in danger. We pray for wisdom for our leaders so a quick resolution of this conflict may come about and that compassion and reason may bring us quickly to peace and healing given to those who are injured. In mercy we ask You to hear us good Lord. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco --1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 412, regarding Jeni Jaso, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 413, regarding Kenneth Knauer, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 414, regarding Michael Quin, Springfield, which was adopted.

Senator Days offered Senate Resolution No. 415, regarding Rhoda A. Womack, St. Ann, which was adopted.

THIRD READING OF SENATE BILLS

SB 457, introduced by Senator Caskey, entitled:

An Act to repeal section 476.340, RSMo, and to enact in lieu thereof one new section relating to Executive Council of the Judicial Conference of the state of Missouri.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 457** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--30		
NAYS--Senators--None			
Absent--Senators			
Dolan	Yeckel--2		
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

SB 467, introduced by Senator Bartle, entitled:

An Act to repeal section 488.5339, RSMo, and to enact in lieu thereof one new section relating to a surcharge to fund the crime victims' compensation fund.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 467** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Dolan--1			
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

SB 61, with **SCS**, introduced by Senator Caskey, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to the use of social security numbers, with an effective date and penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 61**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 61

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to the use of social security numbers, with an effective date.

Was taken up.

Senator Caskey moved that **SCS** for **SB 61** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 61** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SB 537, introduced by Senator Jacob, entitled:

An Act to repeal section 56.640, RSMo, and to enact in lieu thereof two new sections relating to the duties of a county

counselor.

Was called from the Consent Calendar and taken up.

On motion of Senator Jacob, **SB 537** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Childers--1			
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

SB 448, introduced by Senator Bartle, entitled:

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to the statewide court automation fund, with penalty provisions and an expiration date.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 448** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 394, introduced by Senator Bartle, entitled:

An Act to repeal sections 351.046, 351.182, 351.268, 351.315, 351.320, and 351.385, RSMo, and to enact in lieu thereof seven new sections relating to general and business corporations.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 394** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 395, introduced by Senator Bartle, entitled:

An Act to repeal sections 351.055 and 351.455, RSMo, and to enact in lieu thereof two new sections relating to general and business corporations.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 395** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			

Absent--Senator Quick--1
Absent with leave--Senators
DePasco--2

Bland

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 471, introduced by Senator Bartle, entitled:

An Act to repeal section 454.505, RSMo, and to enact in lieu thereof one new section relating to filing of garnishment orders.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 471** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None			
Absent--Senators			
Clemens	Quick	Stoll--3	
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 470, introduced by Senator Bartle, entitled:

An Act to repeal sections 511.350, 511.510, 517.141, and 517.151, RSMo, and to enact in lieu thereof two new sections relating to liens on real estate.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 470** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey

Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Childers	Mathewson	Stoll--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 469, introduced by Senator Bartle, entitled:

An Act to repeal section 535.030, RSMo, and to enact in lieu thereof one new section relating to service of summons in landlord-tenant actions.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 469** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators		
Bland	Dougherty--2		
	Absent--Senator Stoll--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 468, introduced by Senator Bartle, entitled:

An Act to repeal section 577.051, RSMo, and to enact in lieu thereof one new section relating to the forwarding of

case dispositions to the Missouri state highway patrol, with penalty provisions.

Was called from the Consent Calendar and taken up.

Senator Bartle moved that **SB 468** be read the 3rd time and finally passed.

At the request of Senator Bartle, the above motion was withdrawn, which placed the bill back on the calendar.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 264**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 264**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 264

An Act to repeal section 165.016, RSMo, and to enact in lieu thereof one new section relating to salary compliance, with an emergency clause.

Was taken up.

Senator Shields moved that **SCS** for **SB 264** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 264**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 264

An Act to repeal section 165.016, RSMo, and to enact in lieu thereof one new section relating to salary compliance, with an emergency clause.

Senator Shields moved that **SS** for **SCS** for **SB 264** be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **SB 264** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 600**, entitled:

An Act to repeal sections 34.040, 143.124, 143.181, 143.225, 143.782, 144.025, and 144.081, RSMo, and to enact in lieu thereof eleven new sections relating to collection efficiencies of the department of revenue, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 15** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 15**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 15**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 15

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 15 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 15.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 15.
- 3. That the attached Conference Committee Substitute for House Bill No. 15, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles Gross
/s/ Doyle Childers
/s/ Wayne Goode
/s/ Maida J. Coleman

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Brad Roark
/s/ Vicky Riback Wilson
/s/ Marsha Campbell

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Loudon	Mathewson	Vogel--3	
Absent with leave--Senator DePasco--1			

Senator Childers assumed the Chair.

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 15**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 15

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Mathewson--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SB 392** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 521, introduced by Senator Gross, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to bonds of officers and contractors for public works.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 521** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
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Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Mathewson-- 1

Absent with leave--Senator DePasco-- 1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 522, introduced by Senator Gross, entitled:

An Act to repeal section 67.700, RSMo, and to enact in lieu thereof one new section relating to sales tax for capital improvements imposed in certain counties.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 522** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Mathewson-- 1

Absent with leave--Senator DePasco-- 1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 540, introduced by Senator Gross, entitled:

An Act to repeal section 311.195, RSMo, and to enact in lieu thereof one new section relating to microbreweries.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 540** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Mathewson Quick--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 546, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal sections 260.830 and 260.831, RSMo, and to enact in lieu thereof two new sections relating to landfill fees in Johnson County.

Was called from the Consent Calendar and taken up.

SCS for **SB 546**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 546

An Act to repeal sections 260.830 and 260.831, RSMo, and to enact in lieu thereof two new sections relating to landfill fees in Johnson County.

Was taken up.

Senator Caskey moved that **SCS** for **SB 546** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 546** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel

Wheeler	Yeckel--30	
	NAYS--Senators--None	
	Absent--Senators	
Goode	Mathewson	Quick--3
	Absent with leave--Senator DePasco--1	

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 207**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 416, regarding Tony Clayton, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 417, regarding Jonathan James Dallas, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 418, regarding Corrections Officer I Tomas Rodriguez, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 419, regarding Brandon Matthew Kiso, Jefferson City, which was adopted.

Senator Kennedy offered Senate Resolution No. 420, regarding Jonathan F. "Jon" Kaiser, St. Louis, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

REPORTS OF STANDING COMMITTEES

President Pro Tem Kinder assumed the Chair.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SS** for **SCS** for **SB 280**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 583**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

THIRD READING OF SENATE BILLS

Senator Scott moved that **SS** for **SS** for **SCS** for **SB 280**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 280

An Act to repeal sections 105.711, 258.100, 307.178, 355.176, 408.040, 430.225, 508.010, 508.040, 508.120, 509.290, 510.263, 512.020, 537.046, 537.067, 538.205, 538.210, and 538.225, RSMo, and to enact in lieu thereof thirty-two new sections relating to tort reform.

Be taken up for 3rd reading and final pass-age.

President Maxwell assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
Absent--Senators			
Bray	Dolan--2		
Absent with leave--Senator DePasco--1			

Senator Childers assumed the Chair.

A quorum was established by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Dolan

Goode

Mathewson

Quick--4

Absent with leave--Senator DePasco--1

President Maxwell assumed the Chair.

At the request of Senator Scott, his motion to bring **SS** for **SS** for **SCS** for **SB 280** before the body for third reading and final passage was withdrawn.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 421, regarding the State Champion Ozark High School Boys Basketball Tigers, which was adopted.

Senators Gross and Loudon offered Senate Resolution No. 422, regarding Bernard Allan Federko, St. Louis, which was adopted.

Senator Wheeler offered Senate Resolution No. 423, regarding Daniel Gilmore Jackson, III, Kansas City, which was adopted.

Senator Loudon offered Senate Resolution No. 424, regarding Tasha Weiss, Maryland Heights, which was adopted.

Senators Loudon and Griesheimer offered Senate Resolution No. 425, regarding Fire Chief James J. Silvernail, St. Louis County, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, his brother, Charlie Nodler, John Tipton, and Matt Hite, Joplin.

Senator Dougherty introduced to the Senate, the Physician of the Day, Dr. Katherine Jahnige, M.D., St. Louis.

Senator Scott introduced to the Senate, Paige Elizabeth Burris, Bolivar; and Paige was made an honorary page.

Senator Griesheimer introduced to the Senate, Marc Perez, Pacific.

Senator Childers introduced to the Senate, Ryan Shields, Hollister.

Senator Jacob introduced to the Senate, students from Oakland Junior High School, Columbia.

On behalf of Senator Loudon and himself, Senator Gibbons introduced to the Senate, fourth grade students from Twin Oaks Christian School, St. Louis.

Senator Loudon introduced to the Senate, Nathan and Angie Smallwood, Town and Country; and Kathy and Rusty Ellmore, Ballwin.

Senator Caskey introduced to the Senate, Larry DesCombes, eighth grade students, and five foreign exchange students from Leeton School, Leeton.

Senator Kennedy introduced to the Senate, Joe Guehring, St. Louis.

On behalf of Senator Bray and himself, Senator Gibbons introduced to the Senate, forty-eight fourth grade students and adults from McGrath School, Brentwood.

Senator Yeckel introduced to the Senate, Karen Pappin, Jill Lueking, and forty-two fourth grade students from

Crestwood Elementary School, St. Louis.

Senator Russell introduced to the Senate, Scott Williamson, Naomi Dyck, and Jeanette Rouse, Willow Springs.

Senator Foster introduced to the Senate, fourth grade students from Clarkton.

Senator Dougherty introduced to the Senate, Michael and Jimmy Carney, St. Louis; and Michael and Jimmy were made honorary pages.

Senator Cauthorn introduced to the Senate, members of the Kirksville Leadership Institute, Kirksville; and Quentin Wilson, Commissioner of Higher Education.

Senator Stoll introduced to the Senate, Julie Early, Donald Lee, Jamie DeGeare, and Ray and Carol Early, Jefferson County.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIRST DAY-WEDNESDAY, MARCH 19, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING HCS for HB 288

HB 91-Mayer

HCS for HB 273

HS for HCS for HB 156-

Phillips

HCS for HB 600 THIRD READING OF SENATE BILLS SS for SS for SCS for

SB 280-Scott

SB 207-Mathewson SENATE BILLS FOR PERFECTION 1. SB 298-Griesheimer, with SCS

2. SB 427-Bartle, et al, with SCS

3. SBs 125 & 290-Goode, with SCS

4. SB 422-Childers, with SCS
5. SB 2-Russell, with SCS
6. SB 544-Gross, et al, with SCS
7. SB 450-Mathewson, et al, with SCS
8. SB 305-Jacob and Steelman
9. SB 410-Shields and Goode, with SCS
10. SB 5-Caskey, with SCS

11. SBs 556 & 311-Kinder, et al,
with SCS
12. SB 243-Yeckel
13. SBs 361, 103, 156 &
329-Steelman, with SCS
14. SB 28-Gross
15. SB 362-Steelman and
Gross
16. SB 184-Bartle and Scott
17. SB 38-Klindt, et al, with SCS HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelmann, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS, SS

for SS & SA 1 (pending)

SB 69-Yeckel and Nodler,

with SCS (pending)

SB 112-Loudon, with SCS

SB 217-Champion and

Clemens, with SS (pending)

SB 253-Steelmann, et al, with SCS,

SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS,

SS for SCS & SA 2 (pending)

SB 481-Dolan, et al, with

SCS, SS for SCS & SS for

SS for SCS (pending) CONSENT CALENDAR

Senate Bills

Reported 2/10 SB 62-Caskey

SB 275-Russell Reported 2/24

SB 385-Scott, with SCS

Reported 3/4

SB 468-Bartle

Reported 3/10 SB 295-Shields, with SCS

SB 529-Childers

SB 547-Caskey, with SCS

SB 392-Shields

(In Fiscal Oversight)

SB 519-Foster, with SCA 1

SB 204-Yeckel, et al

SB 431-Gibbons

SB 506-Clemens

SB 425-Scott

SB 73-Bland, with SCS

SB 358-Shields, with SCS

SB 93-Shields

SB 447-Bartle, with SCS

SB 407-Klindt

SB 373-Bartle, with SCS Reported 3/11 SB 165-Bland

SB 480-Dolan

SB 492-Scott

SB 548-Champion

SB 607-Loudon

SB 616-Nodler

SB 399-Caskey Reported 3/13 SB 159-Bland, with SCS

SB 571-Loudon

SB 618-Kennedy and Shields

SB 534-Cauthorn

SB 351-Dougherty, with SCS

SB 16-Childers, with SCS

SB 120-Caskey

SB 504-Clemens and Champion, with SCS

SB 513-Kennedy and Coleman, with SCS

SB 562-Griesheimer, with SCS

SB 577-Shields

SB 578-Shields

SB 590-Shields

SB 592-Foster, with SCS

SB 621-Loudon, with SCS

SB 635-Mathewson, with SCS

SB 694-Klindt

SB 180-Bland

SBs 632 & 644-Days, with SCS

SB 642-Foster, with SCS

SB 676-Kennedy, with SCS

SB 666-Bland, with SCS

SB 686-Russell, with SCS

SB 334-Goode

SB 651-Steelman, et al

SB 668-Cauthorn and Klindt

SB 606-Coleman

SB 611-Clemens, et al

SB 623-Foster

SB 293-Vogel

SB 438-Clemens, et al

SB 490-Dolan

SB 594-Bray, with SCS

SB 598-Childers and Nodler

SB 697-Nodler, et al

SB 552-Yeckel

SB 463-Gross

SB 511-Kinder, et al RESOLUTIONS

To be Referred

SCR 14-Dolan and Kinder

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIRST DAY--WEDNESDAY, MARCH 19, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Know that wisdom is such to your soul; if you find it, you will find a future and your hope will not be cut off." (Proverbs 24:14)

O Lord, You are the only source of wisdom and we seek it so we may be more effective in our work here. Help that the decisions we make and laws we pass may provide our state and our people with hope at this time that is so challenging and filled with doubts and fears. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, the Associated Press and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 426, regarding Rita B. Hanks, Smithville, which was adopted.

Senator Gibbons offered Senate Resolution No. 427, regarding Emil A. Wilde, Kirkwood, which was adopted.

Senator Nodler offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 428

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize an outstanding Missouri citizen whose selfless acts of courage and bravery are an inspiration to all who know and love him; and

WHEREAS, Kyle Benford of Joplin, Missouri, is to be commended for his heroic role in saving the lives of two individuals who nearly drowned after the car in which they were traveling skidded off the road and landed in a pond; and

WHEREAS, nineteen-year-old Kyle Benford and his girlfriend were sitting at a stop sign when they witnessed the car skid off the road and jump twenty feet into the pond, which is located on land owned by Don and Connie Balestrin; and

WHEREAS, Kyle Benford left his vehicle and quickly jumped into the pond, where the car was completely submerged, and helped the female passenger out of the car and safely to shore; and

WHEREAS, Kyle then returned to the water to rescue the driver, twenty-nine-year-old Rob Sneed, who had swum to the back of the car and was trying unsuccessfully to get out the back window; and

WHEREAS, Kyle Benford used a hammer to break the back window and retrieve the driver, pulling him to shore as the Missouri State Highway Patrol and ambulance crews arrived at the scene; and

WHEREAS, Rob Sneed and his passenger took solace at the home of Don and Connie Balestrin, where they warmed themselves by the fire and the details of their accident and rescue by Kyle Benford eventually began to sink in as the shock of their ordeal wore off; and

WHEREAS, without the quick thinking and unselfish actions of Kyle Benford, the couple could have faced a more serious situation or even drowned;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, unanimously join in a thunderous round of applause for Kyle Benford, a remarkable young man whose selfless attempt to save the lives of two complete strangers has earned him the title of "hero"; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Kyle Benford, as a mark of our esteem for him.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 15**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

THIRD READING OF SENATE BILLS

President Maxwell assumed the Chair.

Senator Scott moved that **SS** for **SS** for **SCS** for **SB 280** be taken up for 3rd reading and final passage, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Scott, **SS** for **SS** for **SCS** for **SB 280** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel

	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 298**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 298**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 298

An Act to repeal sections 311.080, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof twelve new sections relating to liquor control, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 298** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 298**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 298

An Act to repeal sections 311.080, 311.097, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof fifteen new sections relating to liquor control, with penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **SB 298** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 6, Section 311.200, Line 19 of said page, by striking the word "one" and inserting in lieu thereof the word "**five**"; and

Further amend said bill, Page 7, Section 311.200, Line 2 of said page, by striking the word "fifteen" and inserting in

lieu thereof the word "**fifty**"; and further amend line 15 of said page, by striking the word "twenty-five" and inserting in lieu thereof the word "**fifty**"; and further amend line 26 of said page, by striking the word "thirty-five" and inserting in lieu thereof the word "**fifty**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 3, Section 311.097, Line 3 of said page, by striking the word "thirty" and inserting in lieu thereof the words "**one hundred**"; and further amend line 17 of said page, by striking the word "thirty" and inserting in lieu thereof the words "**one hundred**"; and further amend line 22 of said page, by striking the word "thirty" and inserting in lieu thereof the words "**one hundred**"; and

Further amend said bill, Page 9, Section 311.260, Line 26 of said page, by striking the word "thirty" and inserting in lieu thereof the words "**one hundred**".

Senator Childers moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 298**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 264**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 93**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Callaway to the city of Fulton, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 99**, entitled:

An Act to repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to campaign

contribution filing requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 133**, entitled:

An Act to repeal sections 115.531 and 115.575, RSMo, and to enact in lieu thereof two new sections relating to elections of circuit and associate circuit judges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 162**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 199**, entitled:

An Act to repeal section 84.510, RSMo, and to enact in lieu thereof one new section relating to certain police officers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 246**, entitled:

An Act to repeal section 86.690, RSMo, and to enact in lieu thereof four new sections relating to police relief and pension systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 284**, entitled:

An Act to repeal section 304.157, as enacted by senate bill no. 17, ninetieth general assembly, first regular session, relating to vehicles left unattended or improperly parked on private property of another.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 307**, entitled:

An Act to repeal section 44.090, RSMo, and to enact in lieu thereof one new section relating to mutual-aid agreements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 332**, entitled:

An Act to repeal sections 337.600 and 337.633, RSMo, and to enact in lieu thereof three new sections relating to social work, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 348** and **347**, entitled:

An Act to repeal sections 70.660 and 70.686, RSMo, and to enact in lieu thereof two new sections relating to local government employees' retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 358**, entitled:

An Act to repeal section 328.110, RSMo, and to enact in lieu thereof one new section relating to barbers' licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 431**, entitled:

An Act to repeal section 104.450, RSMo, and to enact in lieu thereof one new section relating to public retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 440**, entitled:

An Act to repeal section 332.327, RSMo, and to enact in lieu thereof one new section relating to dentists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 141**, entitled:

An Act to repeal section 536.077, RSMo, and to enact in lieu thereof one new section relating to subpoenas.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 249**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a certain state route.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 251**, entitled:

An Act to repeal section 301.566, RSMo, and to enact in lieu thereof one new section relating to motor vehicle sales or shows.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 261**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a state entity.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 327**, entitled:

An Act to repeal section 227.120, RSMo, and to enact in lieu thereof one new section relating to the construction and maintenance of highways, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 371**, entitled:

An Act to repeal sections 307.177 and 307.400, RSMo, and to enact in lieu thereof two new sections relating to hazardous waste carriers, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 376**, entitled:

An Act to repeal section 58.096, RSMo, and to enact in lieu thereof one new section relating to deputy coroner compensation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 493**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 553**, entitled:

An Act to repeal section 67.210, RSMo, and to enact in lieu thereof one new section relating to health insurance benefits for officers and employees of political subdivisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 574**, entitled:

An Act to authorize the conveyance of property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 521**, entitled:

An Act to repeal section 320.094, RSMo, and to enact in lieu thereof one new section relating to the Missouri Fire Education Trust Fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 97**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a law enforcement sales tax, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 394**, entitled:

An Act to amend chapter 194, RSMo, by adding thereto one new section relating to the designation of next-of-kin for deceased persons.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

REFERRALS

President Pro Tem Kinder referred **SCR 14** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **SB 159**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 298**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Kinder offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 3, Section 311.097, Line 3 of said page, by striking the word "thirty" and inserting in lieu thereof the word "**fifty**"; and further amend line 17 of said page, by striking the word "thirty" and inserting in lieu thereof the word "**fifty**"; and further amend line 22 of said page, by striking the word "thirty" and inserting in lieu thereof the word "**fifty**"; and

Further amend said bill, Page 9, Section 311.260, Line 26 of said page, by striking the word "thirty" and inserting in lieu thereof the word "**fifty**".

Senator Kinder moved that the above substitute amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 1, Section A, Line 7 of said page, by inserting after all of said line the following:

"311.050. It shall be unlawful for any person, firm, partnership or corporation to manufacture, sell or expose for sale in this state intoxicating liquor, as defined in section 311.020, in any quantity, **or allow such liquor on the premises of an adult cabaret as defined in section 573.500, RSMo**, without taking out a license.

311.053. Notwithstanding any other provisions of this chapter or chapter 312, RSMo, to the contrary, any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter or chapter 312, RSMo, may apply for and the supervisor of alcohol and tobacco control may issue a license to possess intoxicating liquor, as defined in this chapter, on the premises of an adult cabaret as defined in section 573.500, RSMo, so long as the person complies with the provisions of section 573.509, RSMo."; and

Further amend said bill, Page 17, Section 312.410, Line 14 of said page, by inserting after all of said line the following:

"573.509. 1. No person less than twenty-one years of age shall dance in an adult cabaret as defined in section 573.500, nor shall any proprietor of such establishment permit any person less than twenty-one years of age to dance in an adult cabaret.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **SB 298**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 298**, as amended, was declared perfected and ordered printed.

Senator Bartle moved that **SB 427**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 427**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 427

An Act to repeal sections 409.101, 409.102, 409.201, 409.202, 409.203, 409.204, 409.301, 409.302, 409.303, 409.304, 409.305, 409.306, 409.307, 409.401, 409.402, 409.403, 409.404, 409.405, 409.406, 409.407, 409.408, 409.409, 409.410, 409.411, 409.412, 409.413, 409.414, 409.415, 409.416, 409.418, 409.420, and 409.421, RSMo, and to enact in lieu thereof fifty-three new sections relating to securities regulation, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **SB 427** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 427** was declared perfected and ordered printed.

Senator Goode moved that **SB 125** and **SB 290**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 125** and **290**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 125 and 290

An Act to amend chapter 393, RSMo, by adding thereto seven new sections relating to recovery of certain costs by utilities.

Was taken up.

Senator Goode moved that **SCS** for **SBs 125** and **290** be adopted.

Senator Dolan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 1, Section 393.1000, Line 7, by inserting immediately after the word "of" the following: "**accumulated deferred income taxes and**".

Senator Dolan moved that the above amendment be adopted.

Senator Bray offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 1, Section 393.1000, Line 7, by inserting immediately after the word "of" the following: "**accumulated deferred income taxes and**"; and

Further amend said bill, Page 7, Section 393.1009, Line 7, by inserting immediately after the word "of" the following: "**accumulated deferred income taxes and**".

Senator Bray moved that the above substitute amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Shields assumed the Chair.

Senator Kennedy offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 13, Section 393.1018, Line 24, by inserting after the word "commission" the following: "**but the amount of any rate increase resulting from such a petition filed pursuant to this section shall be disclosed in the utility's tariffs on file with the commission**".

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Goode, **SB 125** and **SB 290**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

Senator Childers moved that **SB 422**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 422**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 422

An Act to repeal section 162.261, RSMo, and to enact in lieu thereof one new section relating to qualification for service on a seven-director or urban school board.

Was taken up.

Senator Childers moved that **SCS** for **SB 422** be adopted.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 422, Page 1, Section 162.261, Line 12, by inserting after all of said line the following:

"**Section 1. No person may run for, nor serve as a member of the Missouri general assembly who is married to an employee of the state, any state agency, board or commission or any political subdivision of this state.**"; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Childers offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 422, Page 1, Section 162.261, Lines 10-12, by striking all of said lines and inserting in lieu thereof the following:

"2. No seven-director or urban school district board shall hire a spouse of any member of such board unless the position has been advertised in a local newspaper for at least thirty days in advance and the names of all applicants as well as the name of the applicant hired for the position are included in the board minutes."

Senator Childers moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dolan, Gibbons, Scott and Stoll.

SSA 1 for **SA 1** was adopted by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Coleman	Dolan	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Scott	Shields
Steelman	Vogel	Yeckel--23	
	NAYS--Senators		
Bland	Bray	Clemens	Days
Dougherty	Goode	Quick	Stoll
Wheeler--9			
	Absent--Senator Russell--1		
	Absent with leave--Senator DePasco--1		

At the request of Senator Childers, **SB 422**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the

Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 12**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 298**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 429, regarding Linda May Jones, ACSW, LCSW, Clinton, which was adopted.

Senator Cauthorn offered Senate Resolution No. 430, regarding Eric Gearing, DC, Clarksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 431, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. John A. Lyell, Hunnewell, which was adopted.

Senator Bland offered Senate Resolution No. 432, regarding the death of John Simpson Gillians, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Kenneth Knauer and Michael Quin, Springfield.

Senator Champion introduced to the Senate, the Physician of the Day, Norman P. Knowlton, III, M.D., Springfield.

Senator Caskey introduced to the Senate, Susie Yoder and eighth grade students from Harrisonville Middle School, Harrisonville; and Brok Dickey, Meredith Weedman, and Chandler Hight were made honorary pages.

Senator Gibbons introduced to the Senate, Charlie Spencer and Jan Shuster, Kirkwood.

Senator Shields introduced to the Senate, Teresa and Christian Robbins and June and Nick Andriano, St. Joseph; and Janet and Larry Leachman, Platte City.

Senator Steelman introduced to the Senate, Marilyn Smith and Junior Girl Scout Troop 189, Waynesville; and Madeleine Arnold, Kamariah Bailey, Lauren Cramer, Nicole French, Laura Gooderham, Krystal Krill, and Amber Varner were made honorary pages.

Senator Quick introduced to the Senate, Carroll Makemson and students from Liberty Middle School and Liberty Junior High School, Liberty.

Senator Caskey introduced to the Senate, Diana Kornfeld and the Student Advisory Board for Service-Learning at Belton High School.

On behalf of Senator Gross and himself, Senator Dolan introduced to the Senate, Linda Sellers, Wentzville; Cathi Lammert, St. Charles; and Kim Endraske, O'Fallon.

On behalf of Senator Gross and himself, Senator Dolan introduced to the Senate, Wayne Boschert and John Boerding, St. Charles; and Jim Bethman, St. Peters.

Senator Clemens introduced to the Senate, representatives of Americorps, Nixa.

Senator Scott introduced to the Senate, representatives of the Missouri Cattlemen's Association.

Senator Loudon introduced to the Senate, Whitney Weeks, and her mother, Carol, Chesterfield.

Senator Gibbons introduced to the Senate, fifty-five students from Webster Groves Computer School, Webster Groves.

Senator Dougherty introduced to the Senate, Britney and Laura Underwood, St. Louis.

Senator Gibbons introduced to the Senate, Frank Plescia, and his son, Matt, Creve Couer; and Matt was made an honorary page.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SECOND DAY-THURSDAY, MARCH 20, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 288

HB 91-Mayer

HCS for HB 273

HS for HCS for HB 156-Phillips

HCS for HB 600

HCS for HB 93

HB 99-Seigfreid

HCS for HB 133

HB 162-Shoemaker

HB 199-Jolly, et al

HB 246-Bishop, et al

HB 284-Crawford

HB 307-Merideth and Shoemaker

HCS for HB 332

HCS for HBs 348 & 347

HB 358-Boykins

HCS for HB 431

HB 440-Portwood

HB 141-Mayer

HB 249-Seigfreid

HB 251-Smith (118)

HB 261-Whorton, et al

HB 327-Lipke

HCS for HB 371

HB 376-Cooper (120)

HCS for HB 493

HB 553-Smith (14)

HB 574-Jackson and Selby

HB 521-Dethrow, et al

HCS for HB 97

HCS for HB 394

HS for HB 1 (Bearden)

HS for HB 2 (Bearden)

HS for HB 3 (Bearden)

HS for HB 4 (Bearden)

HS for HB 5 (Bearden)

HS for HB 6 (Bearden)

HS for HB 7 (Bearden)

HS for HB 8 (Bearden)

HS for HB 9 (Bearden)

HS for HB 10 (Bearden)

HS for HB 11 (Bearden)

HS for HB 12 (Bearden)

HCS for HB 13 (Bearden)

THIRD READING OF SENATE BILLS

SB 207-Mathewson

SS for SCS for SB 264-Shields

SS for SCS for SB 298-

SENATE BILLS FOR PERFECTION

1. SB 2-Russell, with SCS
2. SB 544-Gross, et al, with SCS
3. SB 450-Mathewson, et al,
with SCS
4. SB 305-Jacob and Steelman
5. SB 410-Shields and Goode,
with SCS
6. SB 5-Caskey, with SCS
7. SBs 556 & 311-Kinder, et al, with SCS
8. SB 243-Yeckel
9. SBs 361, 103, 156 &
329-Steelman, with SCS
10. SB 28-Gross
11. SB 362-Steelman and Gross
12. SB 184-Bartle and Scott
13. SB 38-Klindt, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al (Childers)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS, SS for

SS & SA 1 (pending)

SB 69-Yeckel and Nodler,

with SCS (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS (pending)

SB 217-Champion and

Clemens, with SS (pending)

SB 253-Steelman, et al, with

SCS, SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SB 347-Loudon, et al, with SCS

SB 422-Childers, with SCS

(pending)

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

SB 481-Dolan, et al, with

SCS, SS for SCS & SS for

SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 385-Scott, with SCS

Reported 3/4

SB 468-Bartle

Reported 3/10

SB 295-Shields, with SCS

SB 529-Childers

SB 547-Caskey, with SCS

SB 392-Shields

(In Fiscal Oversight)

SB 519-Foster, with SCA 1

SB 204-Yeckel, et al

SB 431-Gibbons

SB 506-Clemens

SB 425-Scott

SB 73-Bland, with SCS

SB 358-Shields, with SCS

SB 93-Shields

SB 447-Bartle, with SCS

SB 407-Klindt

SB 373-Bartle, with SCS

Reported 3/11

SB 165-Bland

SB 480-Dolan

SB 492-Scott

SB 548-Champion

SB 607-Loudon

SB 616-Nodler

SB 399-Caskey

Reported 3/13

SB 159-Bland, with SCS

(In Fiscal Oversight)

SB 571-Loudon

SB 618-Kennedy and Shields

SB 534-Cauthorn

SB 351-Dougherty, with SCS

SB 16-Childers, with SCS

SB 120-Caskey

SB 504-Clemens and Champion, with SCS

SB 513-Kennedy and Coleman,
with SCS

SB 562-Griesheimer, with SCS

SB 577-Shields

SB 578-Shields

SB 590-Shields

SB 592-Foster, with SCS

SB 621-Loudon, with SCS

SB 635-Mathewson, with SCS

SB 694-Klindt

SB 180-Bland

SBs 632 & 644-Days, with SCS

SB 642-Foster, with SCS

SB 676-Kennedy, with SCS

SB 666-Bland, with SCS

SB 686-Russell, with SCS

SB 334-Goode

SB 651-Steelman, et al

SB 668-Cauthorn and Klindt

SB 606-Coleman

SB 611-Clemens, et al

SB 623-Foster

SB 293-Vogel

SB 438-Clemens, et al

SB 490-Dolan

SB 594-Bray, with SCS

SB 598-Childers and Nodler

SB 697-Nodler, et al

SB 552-Yeckel

SB 463-Gross

SB 511-Kinder, et al

RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SECOND DAY--THURSDAY, MARCH 20, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Wise warriors are mightier than strong ones, and those who have knowledge than those who have strength; for by wise guidance you can wage war, and in abundance of counselors there is victory." (Proverbs 24:5,6)

Almighty God, war and death are once again in our world and we pray that our leaders may be given wisdom and knowledge that can shorten this conflict, reduce the numbers that will die and that our victory is tempered with compassion to all in need. Bless our sons and daughters put in harm's way and keep them under the shadow of Your wings. And bless our nation and its people with Your mercy and love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator

DePasco--1

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senators Dolan, Kinder, Griesheimer, Bartle, Nodler, Cauthorn, Scott, Caskey, Russell, Childers and Clemens offered

the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 15

WHEREAS, for more than a decade, the United States and other nations have pursued patient and honorable efforts to disarm the Iraqi regime without war; and

WHEREAS, on November 8, 2002, the United Nations Security Council approved Security Council Resolution 1441 under Chapter VII of the United Nations Charter by a vote of 15-0, giving Iraq "a final opportunity to comply with its disarmament obligations"; and

WHEREAS, on November 21, 2002, the North Atlantic Treaty Organization's North Atlantic Council unanimously approved a declaration stating, "We deplore Iraq's failure to comply fully with its obligations which were imposed as a necessary step to restore international peace and security and we recall that the Security Council has decided in its resolution to afford Iraq a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council."; and

WHEREAS, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace; and

WHEREAS, Iraq is in material breach of United Nations Security Council resolutions, including United Nations Resolution 1441; and

WHEREAS, the clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies; and

WHEREAS, the United States of America has the sovereign authority to use force in assuring its own national security; and

WHEREAS, pursuant to United Nations Resolutions 678 and 687 the United States and our allies are authorized to use force in ridding Iraq of weapons of mass destruction; and

WHEREAS, the President of the United States declared on March 17, 2003, that the decades of deceit and cruelty have reached an end and that Saddam Hussein and his sons must leave Iraq within 48 hours; and

WHEREAS, Saddam Hussein and his sons remain in Iraq and have rejected the President's demand; and

WHEREAS, the security of the world requires disarming Saddam Hussein without delay:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein patriotically support the work to advance liberty and peace in the Iraqi region; and

BE IT FURTHER RESOLVED that the power and appeal of human liberty is felt in every life and every land, and the greatest power of freedom is to overcome hatred and violence, and turn the creative gifts of men and women to the pursuits of peace; and

BE IT FURTHER RESOLVED that free nations have a duty to defend their people by uniting against the violent and oppressive; and

BE IT FURTHER RESOLVED that we support our national leaders in bringing to justice Osama bin Laden and those responsible for terrorist attacks on United States soil and its citizens; and

BE IT FURTHER RESOLVED that now that the "moment of truth" is upon us, we, the members of the Missouri General Assembly, Ninety-second General Assembly, First Regular Session, express our strongest affirmation of support for the actions of the President and offer our unfettered dedication to all members of the United States' armed forces; and

BE IT FURTHER RESOLVED that we hereby call upon all state-wide elected officials to publicly stand by us in unity as brothers and sisters in freedom in support of our resolutions proclaimed herein by sending a letter of support to the President of the United States and the members of the Missouri Congressional delegation; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States and the members of the Missouri Congressional delegation.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Janet G. Leachman, as a member of the Missouri Western State College Board of Regents;

Also,

Paul Evan Hauser, as a member of the Clean Water Commission;

Also,

Marion H. Cairns, as a member of the University of Missouri Board of Curators;

Also,

Daniel J. Abbott, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Joy S. Gronstedt, as a member of the Drug Utilization Review Board;

Also,

Patricia A. Nichols, as a member of the Well Installation Board;

Also,

Cynthia A. Rushefsky, as a member of the Child Abuse and Neglect Review Board. Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 241**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 221**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 476**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 460**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 381**, **SB 384**, **SB 432**, and **SB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 39**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 39, Page 2, Section 650.350, Line 21, by striking the word "appropriations".

THIRD READING OF SENATE BILLS

SB 207, introduced by Senator Mathewson, entitled:

An Act to repeal section 407.735, RSMo, and to enact in lieu thereof one new section relating to rental vehicle damage claims.

Was taken up.

Senator Bartle assumed the Chair.

On motion of Senator Mathewson, **SB 207** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 264**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 264

An Act to repeal section 165.016, RSMo, and to enact in lieu thereof one new section relating to salary compliance, with an emergency clause.

Was taken up.

On motion of Senator Shields, **SS** for **SCS** for **SB 264** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senator DePasco--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senator Caskey--1			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 298**, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 298

An Act to repeal sections 311.050, 311.080, 311.097, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof eighteen new sections relating to liquor control, with penalty provisions.

Was taken up.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 298** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Childers	Coleman
Dolan	Dougherty	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Mathewson	Nodler
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--22		
NAYS--Senators			
Bland	Caskey	Cauthorn	Champion
Clemens	Days	Foster	Loudon
Russell	Scott--10		
Absent--Senator Quick--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senators Dolan, Steelman, Gibbons, Loudon, Gross and Cauthorn offered the following resolution:

SENATE RESOLUTION NO. 433

WHEREAS, for more than a decade, the United States and other nations have pursued patient and honorable efforts to disarm the Iraqi regime with minimal military actions and economic sanctions; and

WHEREAS, on November 8, 2002, the United Nations Security Council approved Security Council Resolution 1441 under Chapter VII of the United Nations Charter by a vote of 15-0, giving Iraq "a final opportunity to comply with its disarmament obligations"; and

WHEREAS, on November 21, 2002, the North Atlantic Treaty Organization's North Atlantic Council unanimously approved a declaration stating, "We deplore Iraq's failure to comply fully with its obligations which were imposed as a necessary step to restore international peace and security and we recall that the Security Council has decided in its resolution to afford Iraq a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council."; and;

WHEREAS, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace; and

WHEREAS, the President and the allies of the United States have determined that Iraq is in material breach of United Nations Security Council resolutions, including United Nations Resolution 1441; and

WHEREAS, the clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies; and

WHEREAS, the United States of America has the sovereign authority to use force in assuring its own national security; and

WHEREAS, pursuant to United Nations Resolutions 678 and 687 the United States and our allies are authorized to use force in ridding Iraq of weapons of mass destruction; and

WHEREAS, the President of the United States declared on March 17, 2003, that the decades of deceit and cruelty have reached an end and that Saddam Hussein and his sons must leave Iraq within 48 hours; and

WHEREAS, Saddam Hussein and his sons remain in Iraq and have rejected the President's demand; and

WHEREAS, the security of the world requires disarming Saddam Hussein without delay:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, patriotically support the work to advance liberty and peace in the Iraqi region; and

BE IT FURTHER RESOLVED that the power and appeal of human liberty is felt in every life and every land, and the greatest power of freedom is to overcome hatred and violence, and turn the creative gifts of men and women to the pursuits of peace; and

BE IT FURTHER RESOLVED that free nations have a duty to defend their people by uniting against the violent and oppressive; and

BE IT FURTHER RESOLVED that we support our national leaders in bringing to justice Osama bin Laden and those responsible for terrorist attacks on United States soil and its citizens; and

BE IT FURTHER RESOLVED that now that the "moment of truth" is upon us, we, the members of the Missouri Senate, express our strongest affirmation of support for the actions of the President and offer our unfettered dedication to all members of the United States' armed forces; and

BE IT FURTHER RESOLVED that we hereby call upon all state-wide elected officials to publicly stand by us in unity as brothers and sisters in freedom in support of our resolutions proclaimed herein by sending a letter of support to the President of the United States and the members of the Missouri Congressional delegation; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States and the members of the Missouri Congressional delegation.

Senator Dolan moved that under the provisions of Senate Rule 70, **SR 433** not be referred to committee, but instead be brought before the body for adoption, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

SR 433 was taken up.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 433, Page 3, Lines 2 and 3, by deleting "support for the actions of the President and offer".

Senator Goode moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Gross, Nodler and Scott.

At the request of Senator Goode, **SA 1** was withdrawn.

Senator Jacob offered **SS** for **SR 433**, which was read:

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 433

WHEREAS, President George W. Bush, as Commander in Chief, has called the military troops of the United States of America into active warfare in the Middle East; and

WHEREAS, military troops and support personnel of allied nations have been called into action in support of the current United States mission:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, fully support the military troops of the United States of America in their current endeavors; and

BE IT FURTHER RESOLVED that the thoughts and prayers of the members of the Missouri Senate are with the United States and allied troops and it is our fervent hope that our troops, with the support of our allies, will accomplish their mission with speed, effectiveness, and with minimal loss of the lives of military men and women and civilians alike.

Senator Jacob moved that **SS** for **SR 433** be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SS** for **SR 433** and was joined in his request by Senators Childers, Scott, Gross and Nodler.

Senator Bartle offered **SS** for **SS** for **SR 433**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 433

WHEREAS, for more than a decade, the United States and other nations have pursued patient and honorable efforts to disarm the Iraqi regime in a peaceful manner; and

WHEREAS, on November 8, 2002, the United Nations Security Council approved Security Council Resolution 1441 under Chapter VII of the United Nations Charter by a vote of 15-0, giving Iraq "a final opportunity to comply with its disarmament obligations"; and

WHEREAS, on November 21, 2002, the North Atlantic Treaty Organization's North Atlantic Council unanimously approved a declaration stating, "We deplore Iraq's failure to comply fully with its obligations which were imposed as a necessary step to restore international peace and security and we recall that the Security Council has decided in its resolution to afford Iraq a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council."; and

WHEREAS, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace; and

WHEREAS, Iraq is in material breach of United Nations Security Council resolutions, including United Nations Resolution 1441; and

WHEREAS, the clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies; and

WHEREAS, the United States of America has the sovereign authority to use force in assuring its own national security; and

WHEREAS, pursuant to United Nations Resolutions 678 and 687 the United States and our allies are authorized to use force in ridding Iraq of weapons of mass destruction; and

WHEREAS, the President of the United States declared on March 17, 2003, that the decades of deceit and cruelty have reached an end and that Saddam Hussein and his sons must leave Iraq within 48 hours; and

WHEREAS, Saddam Hussein and his sons remain in Iraq and have rejected the President's demand; and

WHEREAS, the security of the world requires disarming Saddam Hussein without delay:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, patriotically support the work to advance liberty and peace in the Iraqi region; and

BE IT FURTHER RESOLVED that the power and appeal of human liberty is felt in every life and every land, and the greatest power of freedom is to overcome hatred and violence, and turn the creative gifts of men and women to the pursuits of peace; and

BE IT FURTHER RESOLVED that free nations have a duty to defend their people by uniting against the violent and oppressive; and

BE IT FURTHER RESOLVED that we support our national leaders in bringing to justice Osama bin Laden and those responsible for terrorist attacks on United States soil and its citizens; and

BE IT FURTHER RESOLVED that now that the "moment of truth" is upon us, we, the members of the Missouri Senate, express our strongest affirmation of support for the actions of the President and offer our unfettered dedication to all members of the United States' armed forces; and

BE IT FURTHER RESOLVED that we hereby call upon all state-wide elected officials to publicly stand by us in unity as brothers and sisters in freedom in support of our resolutions proclaimed herein by sending a letter of support to the President of the United States and the members of the Missouri Congressional delegation; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States and the members of the Missouri Congressional delegation.

Senator Bartle moved that **SS for SS for SR 433** be adopted.

Senator Jacob raised the point of order that **SS for SS for SR 433** is out of order, as it is in the third degree.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SS for SS for SR 433 was again taken up.

At the request of Senator Bartle, **SS for SS for SR 433** was withdrawn.

SS for SR 433 was again taken up.

At the request of Senator Kinder, his request for a roll call vote on the adoption of **SS for SR 433**, was withdrawn.

Senator Jacob moved that **SS** for **SR 433** be adopted, which motion failed.

SR 433 was again taken up.

Senator Dolan moved that **SR 433** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Clemens, Kinder and Nodler.

SR 433 was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators			
Bland	Dougherty--2		
Absent--Senator Days--1			
Absent with leave--Senator DePasco--1			

CONCURRENT RESOLUTIONS

Senators Goode, Foster, Caskey, Childers, Stoll, Shields and Yeckel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, public education is the primary responsibility of the state after paying state debts, as provided pursuant to Article III, Section 36 of the Missouri Constitution; and

WHEREAS, the adequacy and equity of funding available to public schools has again become a serious concern across the state, highlighted by the wide range of available operating funding for Missouri school districts, which ranges from \$4,500 to over \$13,700 per pupil; and

WHEREAS, the cost to fully fund state school aid continues to increase significantly each year and requires funds which create hardships for other sectors of society needing access to state funds; and

WHEREAS, public education is labor intensive with roughly three-fourths of operating cost supporting salaries and benefits of staff, and most of those salaries being paid to certificated teachers; and

WHEREAS, the fiscal situation facing the state and the resulting budget problems limits the ability to fund all services including education, it is necessary to review the state's commitment to all present and future aspects of education funding; and

WHEREAS, the fiscal situation and problems facing this state are serious and likely to continue for the foreseeable future and because any major alternation rendered to the state's education funding formula will require some amount of increased appropriation in order to meet the required legal standards of equity and adequacy, the need to explore opportunities to increase general revenue resources that can be used for the funding of education is critical:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint interim committee on education be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study concerning all issues relating to equity and adequacy of distribution of state school aid, teachers' salaries, funding for school buildings, and overall funding levels for schools and any other education-related issues the

committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Elementary and Secondary Education, the State Board of Education, the Department of Higher Education, the Coordinating Board for Higher Education, the State Tax Commission, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 93--Economic Development, Tourism and Local Government.

HB 99--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for HB 133--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 162--Transportation.

HB 199--Economic Development, Tourism and Local Government.

HB 246--Pensions and General Laws.

HB 284--Transportation.

HB 307--Economic Development, Tourism and Local Government.

HCS for HB 332--Aging, Families, Mental and Public Health.

HCS for HBs 348 and 347--Pensions and General Laws.

HB 358--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 440--Aging, Families, Mental and Public Health.

HB 141--Judiciary and Civil and Criminal Jurisprudence.

HB 249--Transportation.

HB 251--Economic Development, Tourism and Local Government.

HB 261--Transportation.

HB 327--Transportation.

HCS for HB 371--Transportation.

HCS for HB 493--Transportation.

HB 574--Economic Development, Tourism and Local Government.

HB 521--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for **HB 97**--Economic Development, Tourism and Local Government.

HCS for **HB 394**--Judiciary and Civil and Criminal Jurisprudence.

HS for **HB 1**--Appropriations.

HS for **HB 2**--Appropriations.

HS for **HB 3**--Appropriations.

HS for **HB 4**--Appropriations.

HS for **HB 5**--Appropriations.

HS for **HB 6**--Appropriations.

HS for **HB 7**--Appropriations.

HS for **HB 8**--Appropriations.

HS for **HB 9**--Appropriations.

HS for **HB 10**--Appropriations.

HS for **HB 11**--Appropriations.

HS for **HB 12**--Appropriations.

HCS for **HB 13**--Appropriations.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 392**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to motorcycle and all-terrain vehicle franchises.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 189**, entitled:

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to appropriations for community college district maintenance funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 244**, entitled:

An Act to repeal section 64.905, RSMo, and to enact in lieu thereof one new section relating to county planning and zoning ordinances.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 326**, entitled:

An Act to repeal section 46.144, RSMo, and to enact in lieu thereof one new section relating to the description of the Ste. Genevieve County boundaries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 351**, entitled:

An Act to repeal section 349.045, RSMo, and to enact in lieu thereof one new section relating to boards of directors for industrial development corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 375**, entitled:

An Act to repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to coroners' reports.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 388**, entitled:

An Act to repeal section 67.1850, RSMo, and to enact in lieu thereof one new section relating to the creation of a geographical information system in certain municipalities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 463**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to state emblems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 465**, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on the life sciences.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 472**, entitled:

An Act to repeal sections 67.1451 and 67.1461, RSMo, and to enact in lieu thereof two new sections relating to boards of directors in community improvement districts, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 477**, entitled:

An Act to repeal section 191.659, RSMo, and to enact in lieu thereof one new section relating to disease testing of incarcerated offenders.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 478**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 505**, entitled:

An Act to repeal section 407.735, RSMo, and to enact in lieu thereof one new section relating to merchandising practices for motor vehicle rentals and subleasing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 512**, entitled:

An Act to repeal sections 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof four new sections relating to warehouse and self-service storage facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 464**, entitled:

An Act to repeal sections 348.195 and 348.210, RSMo, and to enact in lieu thereof two new sections relating to loan guarantees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 60**, entitled:

An Act to repeal section 139.031, RSMo, and to enact in lieu thereof one new section relating to refunds of tax payments mistakenly or erroneously made.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 57**, entitled:

An Act to repeal sections 137.115, 137.155, and 137.360, RSMo, and to enact in lieu thereof three new sections relating to personal property lists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 222**, entitled:

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to fishing permits and licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 228**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to unsolicited commercial electronic mail, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 197**, entitled:

An Act to repeal sections 135.207, 135.208, 135.478, 135.481, 135.484, 135.487, and 135.530, RSMo, and to enact in lieu thereof nine new sections relating to economic development projects.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 322**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto eight new sections relating to small business.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 318**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to county ordinance violations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 427**, entitled:

An Act to amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 430**, entitled:

An Act to repeal section 476.340, RSMo, and to enact in lieu thereof one new section relating to the executive council of the judicial conference of the state of Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 445**, entitled:

An Act to repeal sections 210.115 and 352.400, RSMo, and to enact in lieu thereof two new sections relating to Christian Science practitioners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 491**, entitled:

An Act to repeal sections 301.069 and 301.142, RSMo, and to enact in lieu thereof two new sections relating to biennial registration for certain motor vehicles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 575**, entitled:

An Act to repeal section 210.001, RSMo, and to enact in lieu thereof one new section relating to child assessment centers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 594**, entitled:

An Act to repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of road districts in certain counties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 597**, entitled:

An Act to repeal section 231.280, RSMo, and to enact in lieu thereof one new section relating to preparing and filing certain annual reports by certain townships.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 598**, entitled:

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 356**, entitled:

An Act to amend chapter 219, RSMo, by adding thereto one new section relating to the sale of products made by youth in the custody of the division of youth services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 523**, entitled:

An Act to repeal sections 313.057 and 313.810, RSMo, and to enact in lieu thereof two new sections relating to licensing requirements, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 552**, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 599**, entitled:

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to municipal court costs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 613**, entitled:

An Act to repeal sections 43.530, 57.290, 67.133, 210.145, 452.311, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 488.426, 488.2300, 488.4014, 488.5320, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 517.141, 517.151, 536.077, 540.011, and 540.021, RSMo, and to enact in lieu thereof twenty-five new sections relating to court procedures, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 434, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Junior Bland, Stockton, which was adopted.

Senator Kinder offered Senate Resolution No. 435, regarding S. Edwin Noffel, D.D.S., M.S., Cape Girardeau, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Erik Lindblum, M.D., Columbia.

Senator Scott introduced to the Senate, Scott Thomas, new grandfather of Brett Thomas Barker.

Senator Champion introduced to the Senate, students from Greenwood Laboratory School, Springfield.

Senator Griesheimer introduced to the Senate, Arvil Koppelman, Washington.

Senator Nodler introduced to the Senate, Phillip McClendon, Joplin.

Senator Vogel introduced to the Senate, Michael Herschel and Josh Haner, Jefferson City.

Senator Dolan introduced to the Senate, students from Boone Trail Elementary School, Wentzville.

Senator Gross introduced to the Senate, Lynne Baker, and her children, Richard and Caitlin; Carolyn Johnson, and her children, Benjamin and Kathleen; and Hannah Artman, St. Charles; and Richard, Caitlin, Benjamin, Kathleen, and Hannah were made honorary pages.

Senator Russell introduced to the Senate, Sheriff Bill Moulder, Camdenton.

Senator Kinder introduced to the Senate, twenty-five fourth grade students from Cape Christian School, Cape Girardeau.

Senator Wheeler introduced to the Senate, Amy and Jennifer Johnson, Kansas City; and Amy was made an honorary page.

Senator Kennedy introduced to the Senate, Lisa Langeneckert, St. Louis.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, March 24, 2003.

SENATE CALENDAR

FORTY-THIRD DAY-MONDAY, MARCH 24, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 288

HB 91-Mayer

HCS for HB 273

HS for HCS for HB 156-

Phillips

HCS for HB 600

HCS for HB 431

HB 376-Cooper (120)

HB 553-Smith (14)

HCS for HB 392

HB 189-Parker, et al

HB 244-Baker, et al

HB 326-Wagner, et al

HB 351-Quinn, et al

HB 375-Cooper (120)

HB 388-Riback Wilson, et al

HB 463-King, et al

HB 465-Hanaway, et al

HCS for HB 472

HB 477-Moore, et al

HB 478-Moore, et al

HB 505-Byrd and Villa

HB 512-Cooper (120), et al

HB 464-King, et al

HB 60-Sutherland

HB 57-Riback Wilson

HCS for HB 222

HS for HCS for HB 228-Pearce

HS for HB 197-Johnson (47)

HCS for HB 322

HCS for HB 318

HCS for HB 427

HB 430-Stevenson, et al

HB 445-Portwood, et al

HB 491-Rupp, et al

HCS for HB 575

HB 594-Emery, et al

HB 597-Schlottach, et al

HB 598-Schlottach, et al

HCS for HB 356

HB 523-Dusenberger, et al

HB 552-Kingery

HB 599-Burnett, et al

HCS for HB 613

SENATE BILLS FOR PERFECTION

1. SB 2-Russell, with SCS

2. SB 544-Gross, et al, with

SCS

3. SB 450-Mathewson, et al,
with SCS
4. SB 305-Jacob and Steelman
5. SB 410-Shields and Goode,
with SCS
6. SB 5-Caskey, with SCS
7. SBs 556 & 311-Kinder, et al,
with SCS
8. SB 243-Yeckel
9. SBs 361, 103, 156 &
329-Steelman, with SCS
10. SB 28-Gross
11. SB 362-Steelman and Gross
12. SB 184-Bartle and Scott
13. SB 38-Klindt, et al, with SCS
14. SB 241-Yeckel, with SCS
15. SB 476-Jacob
16. SB 460-Loudon
17. SBs 381, 384, 432 & 9-Dolan,
with SCS
18. SB 39-Cauthorn, et al, with SCA 1

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al

(Childers)

HCS for HB 221, with SCS

(Yeckel)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 69-Yeckel and Nodler,

with SCS (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS (pending)

SB 217-Champion and

Clemens, with SS (pending)

SB 253-Steelman, et al,

with SCS, SS for SCS &

SA 1 (pending)

SB 300-Cauthorn, et al, with

SCS

SB 347-Loudon, et al, with

SCS

SB 422-Childers, with SCS

(pending)

SB 436-Klindt, with SCS,

SS for SCS & SA 2 (pending)

SB 481-Dolan, et al, with

SCS, SS for SCS & SS

for SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell Reported 2/24

SB 385-Scott, with SCS

Reported 3/4

SB 468-Bartle

Reported 3/10

SB 295-Shields, with SCS

SB 529-Childers

SB 547-Caskey, with SCS

SB 392-Shields (In Fiscal Oversight)

SB 519-Foster, with SCA 1

SB 204-Yeckel, et al

SB 431-Gibbons

SB 506-Clemens

SB 425-Scott

SB 73-Bland, with SCS

SB 358-Shields, with SCS

SB 93-Shields

SB 447-Bartle, with SCS

SB 407-Klindt

SB 373-Bartle, with SCS

Reported 3/11

SB 165-Bland

SB 480-Dolan

SB 492-Scott

SB 548-Champion

SB 607-Loudon

SB 616-Nodler

SB 399-Caskey

Reported 3/13

SB 159-Bland, with SCS

(In Fiscal Oversight)

SB 571-Loudon

SB 618-Kennedy and Shields

SB 534-Cauthorn

SB 351-Dougherty, with SCS

SB 16-Childers, with SCS

SB 120-Caskey

SB 504-Clemens and Champion, with SCS

SB 513-Kennedy and Coleman, with SCS

SB 562-Griesheimer, with SCS

SB 577-Shields

SB 578-Shields

SB 590-Shields

SB 592-Foster, with SCS

SB 621-Loudon, with SCS

SB 635-Mathewson, with SCS

SB 694-Klindt

SB 180-Bland

SBs 632 & 644-Days, with SCS

SB 642-Foster, with SCS

SB 676-Kennedy, with SCS

SB 666-Bland, with SCS

SB 686-Russell, with SCS

SB 334-Goode

SB 651-Steelman, et al

SB 668-Cauthorn and Klindt

SB 606-Coleman

SB 611-Clemens, et al

SB 623-Foster

SB 293-Vogel

SB 438-Clemens, et al

SB 490-Dolan

SB 594-Bray, with SCS

SB 598-Childers and Nodler

SB 697-Nodler, et al

SB 552-Yeckel

SB 463-Gross

SB 511-Kinder, et al

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

SCR 16-Goode, et al

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1

(pending)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-THIRD DAY--MONDAY, MARCH 24, 2003

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

RESOLUTIONS

On behalf of Senator Caskey, Senator Vogel offered Senate Resolution No. 436, regarding Davin Dewayne Werths, Windsor, which was adopted.

On behalf of Senator Caskey, Senator Vogel offered Senate Resolution No. 437, regarding Tyler Lee Eckhoff, Windsor, which was adopted.

On behalf of Senator Caskey, Senator Vogel offered Senate Resolution No. 438, regarding Lieutenant John S. Strickland, Harrisonville, which was adopted.

On behalf of Senator Gibbons, Senator Vogel offered Senate Resolution No. 439, regarding the

Honorable David Levin, St. Louis County, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Vogel submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 427**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Vogel, the Senate adjourned until 4:00 p.m., Monday, March 31, 2003.

SENATE CALENDAR

FORTY-FOURTH DAY-MONDAY, MARCH 31, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 288

HB 91-Mayer

HCS for HB 273

HS for HCS for HB 156-Phillips

HCS for HB 600

HCS for HB 431

HB 376-Cooper (120)

HB 553-Smith (14)

HCS for HB 392

HB 189-Parker, et al

HB 244-Baker, et al

HB 326-Wagner, et al

HB 351-Quinn, et al

HB 375-Cooper (120)

HB 388-Riback Wilson, et al

HB 463-King, et al

HB 465-Hanaway, et al

HCS for HB 472

HB 477-Moore, et al

HB 478-Moore, et al

HB 505-Byrd and Villa

HB 512-Cooper (120), et al

HB 464-King, et al

HB 60-Sutherland

HB 57-Riback Wilson

HCS for HB 222

HS for HCS for HB 228-Pearce

HS for HB 197-Johnson (47)

HCS for HB 322

HCS for HB 318

HCS for HB 427

HB 430-Stevenson, et al

HB 445-Portwood, et al

HB 491-Rupp, et al

HCS for HB 575

HB 594-Emery, et al

HB 597-Schlottach, et al

HB 598-Schlottach, et al

HCS for HB 356

HB 523-Dusenberg, et al

HB 552-Kingery

HB 599-Burnett, et al

HCS for HB 613

THIRD READING OF SENATE BILLS

SCS for SB 427-Bartle, et al

SENATE BILLS FOR PERFECTION

1. SB 2-Russell, with SCS
2. SB 544-Gross, et al, with SCS
3. SB 450-Mathewson, et al, with SCS
4. SB 305-Jacob and Steelman
5. SB 410-Shields and Goode, with SCS
6. SB 5-Caskey, with SCS
7. SBs 556 & 311-Kinder, et al,
with SCS
8. SB 243-Yeckel
9. SBs 361, 103, 156 &
329-Steelman, with SCS
10. SB 28-Gross
11. SB 362-Steelman and Gross
12. SB 184-Bartle and Scott
13. SB 38-Klindt, et al, with SCS
14. SB 241-Yeckel, with SCS
15. SB 476-Jacob
16. SB 460-Loudon
17. SBs 381, 384, 432 & 9-Dolan,
with SCS
18. SB 39-Cauthorn, et al, with SCA 1

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al
(Childers)

HCS for HB 221, with SCS

(Yeckel)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 69-Yeckel and Nodler,
with SCS (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS (pending)

SB 217-Champion and
Clemens, with SS (pending)

SB 253-Steelman, et al, with SCS,
SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SB 347-Loudon, et al, with SCS

SB 422-Childers, with SCS

(pending)

SB 436-Klindt, with SCS,

SS for SCS & SA 2 (pending)

SB 481-Dolan, et al, with

SCS, SS for SCS & SS

for SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 385-Scott, with SCS

Reported 3/4

SB 468-Bartle

Reported 3/10

SB 295-Shields, with SCS

SB 529-Childers

SB 547-Caskey, with SCS

SB 392-Shields

(In Fiscal Oversight)

SB 519-Foster, with SCA 1

SB 204-Yeckel, et al

SB 431-Gibbons

SB 506-Clemens

SB 425-Scott

SB 73-Bland, with SCS

SB 358-Shields, with SCS

SB 93-Shields

SB 447-Bartle, with SCS

SB 407-Klindt

SB 373-Bartle, with SCS Reported 3/11

SB 165-Bland

SB 480-Dolan

SB 492-Scott

SB 548-Champion

SB 607-Loudon

SB 616-Nodler

SB 399-Caskey

Reported 3/13

SB 159-Bland, with SCS

(In Fiscal Oversight)

SB 571-Loudon

SB 618-Kennedy and Shields

SB 534-Cauthorn

SB 351-Dougherty, with SCS

SB 16-Childers, with SCS

SB 120-Caskey

SB 504-Clemens and Champion,
with SCS

SB 513-Kennedy and Coleman,
with SCS

SB 562-Griesheimer, with SCS

SB 577-Shields

SB 578-Shields

SB 590-Shields

SB 592-Foster, with SCS

SB 621-Loudon, with SCS

SB 635-Mathewson, with SCS

SB 694-Klindt

SB 180-Bland

SBs 632 & 644-Days, with SCS

SB 642-Foster, with SCS

SB 676-Kennedy, with SCS

SB 666-Bland, with SCS

SB 686-Russell, with SCS

SB 334-Goode

SB 651-Steelman, et al

SB 668-Cauthorn and Klindt

SB 606-Coleman

SB 611-Clemens, et al

SB 623-Foster

SB 293-Vogel

SB 438-Clemens, et al

SB 490-Dolan

SB 594-Bray, with SCS

SB 598-Childers and Nodler

SB 697-Nodler, et al

SB 552-Yeckel

SB 463-Gross

SB 511-Kinder, et al

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

SCR 16-Goode, et al

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1

(pending)

Journal of the Senate
FIRST REGULAR SESSION

FORTY-FOURTH DAY--MONDAY, MARCH 31, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"And they went away in the boat to a deserted place by themselves." (Mark 6:32)

Gracious God, we thank You for the time to rest and recharge so we have the strength and energy that will be called upon to complete our work here. Continue to watch over our efforts and guide us along correct pathways in these closing weeks. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 20, 2003 and Monday, March 24, 2003, were read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 440, regarding the Freedom of the Road Riders, Incorporated, which was adopted.

Senator Quick offered Senate Resolution No. 441, regarding David Ray Meyer, Oak Park, which was adopted.

Senator Quick offered Senate Resolution No. 442, regarding Daniel Adison Ayers, Oak Park, which was adopted.

Senator Quick offered Senate Resolution No. 443, regarding Pat Call, R.N., Liberty, which was adopted.

Senator Kennedy offered Senate Resolution No. 444, regarding the Ninety-third Birthday of Napoleon B. Braswell, Marquand, which was adopted.

Senator Caskey offered Senate Resolution No. 445, regarding Christopher Lee "Chris" Anderson, Belton, which was adopted.

Senator Cauthorn offered Senate Resolution No. 446, regarding the One Hundred First Birthday of James Fred Allen, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 447, regarding Elaine Niemeyer, New Hartford, which was adopted.

Senator Cauthorn offered Senate Resolution No. 448, regarding Caleb R. Krueger, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 449, regarding Aaron M. Wimmer, Mexico, which was adopted.

Senator Russell offered Senate Resolution No. 450, regarding the Camdenton United Methodist Church, Camdenton, which was adopted.

Senator Champion offered Senate Resolution No. 451, regarding Central High School, Springfield, which was adopted.

Senator Gross offered Senate Resolution No. 452, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Norris Eichler, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 453, regarding Luke Daniel Maresca, St. Charles, which was adopted.

Senator Stoll offered Senate Resolution No. 454, regarding the Laborers' International Union of North America, which was adopted.

Senator Stoll offered Senate Resolution No. 455, regarding Nancy Pope, Jefferson County, which was adopted.

Senator Loudon offered Senate Resolution No. 456, regarding Father Joseph Marion Kohler, St. Louis, which was adopted.

THIRD READING OF SENATE BILLS

SCS for **SB 427**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 427

An Act to repeal sections 409.101, 409.102, 409.201, 409.202, 409.203, 409.204, 409.301, 409.302, 409.303, 409.304, 409.305, 409.306, 409.307, 409.401, 409.402, 409.403, 409.404, 409.405, 409.406, 409.407, 409.408, 409.409, 409.410, 409.411, 409.412, 409.413, 409.414, 409.415, 409.416, 409.418, 409.420, and 409.421, RSMo, and to enact in lieu thereof fifty-three new sections relating to securities regulation, with penalty provisions.

Was taken up by Senator Bartle.

On motion of Senator Bartle, **SCS** for **SB 427** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None
Absent--Senator Dolan--1
Absent with leave--Senators
Kinder--2

DePasco

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 295, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, and 140.420, RSMo, and to enact in lieu thereof fourteen new sections relating to delinquent taxes.

Was called from the Consent Calendar and taken up.

SCS for **SB 295**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 295

An Act to repeal sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, 140.420, and 140.440, RSMo, and to enact in lieu thereof fifteen new sections relating to delinquent taxes.

Was taken up.

Senator Shields moved that **SCS** for **SB 295** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 295** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Dolan Goode--2

Absent with leave--Senators

DePasco Kinder--2

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 529, introduced by Senator Childers, entitled:

An Act to amend chapter 389, RSMo, by adding thereto one new section relating to the designation of official Missouri railroads.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 529** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Dolan	Goode--2		
Absent with leave--Senators			
DePasco	Kinder--2		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 547, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof one new section relating to compensation for certain county treasurers.

Was called from the Consent Calendar and taken up.

SCS for **SB 547**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 547

An Act to repeal sections 51.281 and 54.261, RSMo, and to enact in lieu thereof two new sections relating to compensation for certain county officers.

Was taken up.

Senator Caskey moved that **SCS** for **SB 547** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 547** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Goode	Russell--2		
Absent with leave--Senators			
DePasco	Kinder--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 519, with **SCA 1**, introduced by Senator Foster, entitled:

An Act to repeal section 162.431, RSMo, and to enact in lieu thereof one new section relating to school district boundary changes.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Foster moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Foster, **SB 519**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll

Vogel	Wheeler	Yeckel--31
	NAYS--Senators--None	
	Absent--Senator Mathewson--1	
	Absent with leave--Senators	
DePasco	Kinder--2	

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 204, introduced by Senator Yeckel, et al, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to educational service agencies.

Was called from the Consent Calendar and taken up by Senator Yeckel.

On motion of Senator Yeckel, **SB 204** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Mathewson--1		
	Absent with leave--Senators		
DePasco	Kinder--2		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 431, introduced by Senator Gibbons, entitled:

An Act to repeal section 431.064, RSMo, and to enact in lieu thereof one new section relating to consent for experimental treatments.

Was called from the Consent Calendar and taken up.

On motion of Senator Gibbons, **SB 431** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey

Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Russell--1		
	Absent with leave--Senators		
DePasco	Kinder--2		

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 506, introduced by Senator Clemens, entitled:

An Act to repeal section 332.071, RSMo, and to enact in lieu thereof one new section relating to the use of lasers for dentistry.

Was called from the Consent Calendar and taken up.

On motion of Senator Clemens, **SB 506** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Russell--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 425, introduced by Senator Scott, entitled:

An Act to repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to reporting and investigating of death by a coroner.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 425** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Russell--1			
Absent with leave--Senators			
Cauthorn	DePasco--2		

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 73, with **SCS**, introduced by Senator Bland, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 73**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 73

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity, with an emergency clause.

Was taken up.

Senator Bland moved that **SCS** for **SB 73** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 73** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Russell	Shields
Steelman	Stoll	Wheeler	Yeckel--28

	NAYS--Senators	
Kinder	Scott	Vogel--3
	Absent--Senator Quick-- 1	
	Absent with leave--Senators	
Cauthorn	DePasco--2	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Gross	Jacob	Kennedy
Klindt	Loudon	Mathewson	Nodler
Shields	Steelman	Stoll	Wheeler--24
	NAYS--Senators		
Griesheimer	Kinder	Scott	Vogel
Yeckel--5			
	Absent--Senators		
Goode	Quick	Russell--3	
	Absent with leave--Senators		
Cauthorn	DePasco--2		

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 358, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal section 115.073, RSMo, and to enact in lieu thereof one new section relating to general expenses of elections paid by certain political subdivisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 358**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 358

An Act to repeal section 115.073, RSMo, and to enact in lieu thereof one new section relating to general expenses of elections paid by certain political subdivisions.

Was taken up.

Senator Shields moved that **SCS** for **SB 358** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 358** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey

Cauthorn	Champion	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Clemens Mathewson--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 93, introduced by Senator Shields, entitled:

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales and use taxes.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 93** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--30		

NAYS--Senators--None

Absent--Senators

Goode Russell Yeckel--3

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 447, with **SCS**, introduced by Senator Bartle, entitled:

An Act to amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

Was called from the Consent Calendar and taken up.

SCS for **SB 447**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 447

An Act to amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

Was taken up.

Senator Bartle moved that **SCS** for **SB 447** be adopted.

Senator Shields assumed the Chair.

At the request of Senator Bartle, the motion for adoption of **SCS** for **SB 447** was withdrawn.

At the request of Senator Bartle, the motion for 3rd reading and final passage of **SB 447**, with **SCS**, was withdrawn, which placed the bill back on the Calendar.

SB 407, introduced by Senator Klindt, entitled:

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for cancer.

Was called from the Consent Calendar and taken up.

On motion of Senator Klindt, **SB 407** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Russell--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joan L. Berkman, Republican, 180 North Brentwood Boulevard, Clayton, St. Louis, Missouri 63105, as a member of the Missouri Community Service Commission, for a term ending December 15, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas J. Carlson, Democrat, 1414 North Benton Avenue, Springfield, Greene County, Missouri 65802, as a member of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Janice Dye, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael J. Duggan, Republican, 17720 Greystone Terrace, Chesterfield, St. Louis County, Missouri 63005, as a member of the Southwest Missouri State University Board of Governors, for a term ending April 17, 2008, and until his successor is duly appointed and qualified; vice, Daniel Behlmann, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Willa McCullough, 1225 Old Highway CC, Festus, Jefferson County, Missouri 63028, as a public member of the State Committee of Psychologists, for a term ending August 20, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert E. Thomson, Republican, 325 Clayheath Court, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Community Service Commission, for a term ending December 15, 2004, and until his successor is duly appointed and qualified; vice, Robin Greger, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cheryl Thruston, 215 Dover Street, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2004, and until her successor is duly appointed and qualified; vice, Michael O'Mara, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Phyllis A. Washington, Democrat, 7118 East 70th Street, Kansas City, Jackson County, Missouri 64133, as a member of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, Paul Redfearn, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christy G. Broce, 7602 Crescent Drive, Raytown, Jackson County, Missouri 64132, as a member of the Children's Trust Fund Board, for a term ending September 15, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kimberly C. Carlos, Democrat, 7516 Terrace Street, Kansas City, Jackson County, Missouri 64114, as Chairperson and member of the Missouri Women's Council, for a term ending December 6, 2006, and until her successor is duly appointed and qualified; vice, Katherine Emke, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John Chapman, Republican, 1256 South Rock Hill Road, Webster Groves, St. Louis County, Missouri 63119, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan L. Else, Democrat, 4308 Northeast Maplegate, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Women's Council, for a term ending December 6, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Randall Stephen Jotte M.D., 120 Orchard Avenue, Webster Groves, St. Louis County, Missouri 63119, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2007, and until his successor is duly appointed and qualified; vice, Alexander Garza, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jacqueline McKinsey, Republican, 2802 South Natural Bridge, Springfield, Greene County, Missouri 65809, as a member of the Missouri Women's Council, for a term ending December 6, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan J. Mehalko, Republican, 1749 Northeast Lake Shore Drive, Lee's Summit, Jackson County, Missouri 64086, as a member of the Elevator Safety Board, for a term ending June 6, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Danny Duane Nestleroad, 264 Farm Road 1090, Monett, Barry County, Missouri 65708, as a member of the State Board of Optometry, for a term ending June 30, 2007, and until his successor is duly appointed and qualified; vice, Max Aldrich, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Scott M. Olson, 809 Cades Cove, Florissant, St. Louis County, Missouri 63031, as a member of the Seismic Safety Commission, for a term ending

August 11, 2004, and until his successor is duly appointed and qualified; vice, William Durbin, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rebecca A. Buchholz, Republican, 804 Cari Ann Court, Jefferson City, Cole County, Missouri 65109, as a member of the State Board of Health, for a term ending October 13, 2004, and until her successor is duly appointed and qualified; vice, Mary Breckenridge, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lai Lily Ko, Democrat, 8900 Chickasaw Drive, Olivette, St. Louis County, Missouri 63132-2311, as a member of the Missouri Community Service Commission, for a term ending December 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas G. Kolb, 509 Turnberry Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2007, and until his successor is duly appointed and qualified; vice, Neal Gibbons, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Neil J. Svetanics, 5817 Holly Hills, St. Louis City, Missouri 63109, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, James Silvernail, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kathryn F. Swan, Republican, 3926 Annwood, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2004, and until her successor is duly appointed and qualified; vice, Mary Findley, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Beth L. Viviano, 358 Summer Top Lane, Fenton, St. Louis County, Missouri 63026, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2003, and until her successor is duly appointed and qualified; vice, Robert Fry, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 27, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Richard J. Wilson, Republican, 2032 Tower Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Development Finance Board, for a term ending September 14, 2004, and until his successor is duly appointed and qualified; vice, Tom Rackers, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Kinder referred **SCR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 392**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 457, regarding the Ninetieth Birthday of Faye W. Dooley, Raymore, which was adopted.

COMMUNICATIONS

Senator Gibbons submitted the following:

March 25, 2003

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the Missouri Sportsmen's Caucus at the January 28, 2003 meeting.

Please add the following members to the caucus:

- Otto Bean, Jr.
- Amber Boykins
- Michael G. Corcoran
- Jason Crowell
- Tom Dempsey
- Thomas George
- Catherine Hanaway
- Jeff Harris
- Steve Hobbs

- Van Kelly
- Gayle Kingery
- Fred Kratky
- Denny Merideth
- David Pearce
- Annie Reinhart
- Marilyn Ruestman
- Mike Sager
- Ray Salva
- Charles Schlottach
- Harold Selby
- Michael Spreng
- Jodi Stefanick
- Dan Ward
- Kevin Wilson
- Larry Wilson
- Dennis Wood

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Austin Kelly, Norwood; and Austin was made an honorary page.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 288

HB 91-Mayer

HCS for HB 273

HS for HCS for HB 156-

Phillips

HCS for HB 600

HCS for HB 431

HB 376-Cooper (120)

HB 553-Smith (14)

HCS for HB 392

HB 189-Parker, et al

HB 244-Baker, et al

HB 326-Wagner, et al

HB 351-Quinn, et al

HB 375-Cooper (120)

HB 388-Riback Wilson, et al

HB 463-King, et al

HB 465-Hanaway, et al

HCS for HB 472

HB 477-Moore, et al

HB 478-Moore, et al

HB 505-Byrd and Villa

HB 512-Cooper (120), et al

HB 464-King, et al

HB 60-Sutherland

HB 57-Riback Wilson

HCS for HB 222

HS for HCS for HB 228-Pearce

HS for HB 197-Johnson (47)

HCS for HB 322

HCS for HB 318

HCS for HB 427

HB 430-Stevenson, et al

HB 445-Portwood, et al

HB 491-Rupp, et al

HCS for HB 575

HB 594-Emery, et al

HB 597-Schlottach, et al

HB 598-Schlottach, et al

HCS for HB 356

HB 523-Dusenbergl, et al

HB 552-Kingery

HB 599-Burnett, et al

HCS for HB 613

SENATE BILLS FOR PERFECTION

1. SB 2-Russell, with SCS

2. SB 544-Gross, et al, with SCS

3. SB 450-Mathewson, et al,

with SCS

4. SB 305-Jacob and Steelman
5. SB 410-Shields and Goode,
with SCS
6. SB 5-Caskey, with SCS
7. SBs 556 & 311-Kinder, et al,
with SCS
8. SB 243-Yeckel
9. SBs 361, 103, 156 &
329-Steelman, with SCS
10. SB 28-Gross
11. SB 362-Steelman and Gross
12. SB 184-Bartle and Scott
13. SB 38-Klindt, et al, with SCS
14. SB 241-Yeckel, with SCS
15. SB 476-Jacob
16. SB 460-Loudon
17. SBs 381, 384, 432 & 9-Dolan, with SCS
18. SB 39-Cauthorn, et al, with SCA 1 HOUSE BILLS ON THIRD READING
HB 412-Goodman, et al
(Childers)
HCS for HB 221, with SCS
(Yeckel) INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)
SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 69-Yeckel and Nodler,
with SCS (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS (pending)

SB 217-Champion and
Clemens, with SS (pending)

SB 253-Steelman, et al,
with SCS, SS for SCS &
SA 1 (pending)

SB 300-Cauthorn, et al,
with SCS

SB 347-Loudon, et al, with SCS

SB 422-Childers, with SCS
(pending)

SB 436-Klindt, with SCS,
SS for SCS & SA 2 (pending)

SB 481-Dolan, et al, with
SCS, SS for SCS & SS
for SS for SCS (pending)

CONSENT CALENDAR

Reported 2/10

SB 62-Caskey

SB 275-Russell Reported 2/24

SB 385-Scott, with SCS

Reported 3/4

SB 468-Bartle

Reported 3/10

SB 392-Shields

SB 447-Bartle, with SCS

SB 373-Bartle, with SCS

Reported 3/11

SB 165-Bland

SB 480-Dolan

SB 492-Scott

SB 548-Champion

SB 607-Loudon

SB 616-Nodler

SB 399-Caskey Reported 3/13

SB 159-Bland, with SCS

(In Fiscal Oversight)

SB 571-Loudon

SB 618-Kennedy and Shields

SB 534-Cauthorn

SB 351-Dougherty, with SCS

SB 16-Childers, with SCS

SB 120-Caskey

SB 504-Clemens and Champion,

with SCS

SB 513-Kennedy and Coleman,

with SCS

SB 562-Griesheimer, with SCS

SB 577-Shields

SB 578-Shields

SB 590-Shields

SB 592-Foster, with SCS

SB 621-Loudon, with SCS

SB 635-Mathewson, with SCS

SB 694-Klindt

SB 180-Bland

SBs 632 & 644-Days, with SCS

SB 642-Foster, with SCS

SB 676-Kennedy, with SCS

SB 666-Bland, with SCS

SB 686-Russell, with SCS

SB 334-Goode

SB 651-Steelman, et al

SB 668-Cauthorn and Klindt

SB 606-Coleman

SB 611-Clemens, et al

SB 623-Foster

SB 293-Vogel

SB 438-Clemens, et al

SB 490-Dolan

SB 594-Bray, with SCS

SB 598-Childers and Nodler

SB 697-Nodler, et al

SB 552-Yeckel

SB 463-Gross

SB 511-Kinder, et al

RESOLUTIONS

SCR 15-Dolan, et al

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY--TUESDAY, APRIL 1, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"Is not the Lord among us?" (Micah 3:11b)

Gracious God, we seek Your presence among us and ask that we might hear Your Word and live our lives in harmony with You so we will live today as You direct us and be the better for it. Help us to hear each other clearly and make effective decisions that make today better than yesterday. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator DePasco--1			

RESOLUTIONS

Senator Foster offered Senate Resolution No. 458, regarding Bradley Donald Martin, Dexter, which was adopted.

THIRD READING OF SENATE BILLS

SB 373, with **SCS**, introduced by Senator Bartle, entitled:

An Act to repeal sections 301.210, 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof five new sections relating to warehouse and self-service storage facilities.

Was called from the Consent Calendar and taken up.

SCS for **SB 373**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 373

An Act to repeal sections 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof four new sections relating to warehouse and self-service storage facilities.

Was taken up.

Senator Bartle moved that **SCS** for **SB 373** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 373** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Russell--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 165, introduced by Senator Bland, entitled:

An Act to repeal sections 33.750, 33.752, 33.753, 33.756, 67.653, 70.379, 92.418, and 643.310, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri minority business advocacy commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Bland, **SB 165** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick

Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Goode	Russell--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Dolan moved that motion lay on the table, which motion prevailed.

SB 480, introduced by Senator Dolan, entitled:

An Act to repeal sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665, and 334.670, RSMo, and to enact in lieu thereof ten new sections relating to physical therapists.

Was called from the Consent Calendar and taken up.

On motion of Senator Dolan, **SB 480** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Goode	Mathewson--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 492, introduced by Senator Scott, entitled:

An Act to repeal section 324.409, RSMo, and to enact in lieu thereof one new section relating to commercial interior designers.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 492** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Cauthorn	Coleman	Dolan	Quick
Russell--5			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 548, introduced by Senator Champion, entitled:

An Act to amend chapter 23, RSMo, by adding thereto one new section relating to the joint committee on legislative research.

Was called from the Consent Calendar and taken up.

On motion of Senator Champion, **SB 548** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Coleman	Quick--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 607, introduced by Senator Loudon, entitled:

An Act to repeal section 288.060, RSMo, and to enact in lieu thereof one new section relating to employment.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 607** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dolan	Dougherty	Foster
Goode	Jacob	Mathewson	Quick
Stoll	Wheeler--14		
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

SB 616, introduced by Senator Nodler, entitled:

An Act to repeal section 355.176 as enacted by house substitute for senate bill no. 768, eighty-eighth general assembly, second regular session, and to enact in lieu thereof one new section for the sole purpose of reenacting section 355.176 which was held unconstitutional by the Missouri Supreme Court.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 616** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None
Absent--Senator Mathewson--1
Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 399, introduced by Senator Caskey, entitled:

An Act to repeal section 217.360, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of controlled substances in city or county jails, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 399** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 571, introduced by Senator Loudon, entitled:

An Act to repeal sections 210.115 and 352.400, RSMo, and to enact in lieu thereof two new sections relating to Christian Science practitioners.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 571** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Cauthorn

Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--27	
	NAYS--Senators--None		
	Absent--Senators		
Bartle	Coleman	Kinder	Klindt
Quick	Stoll--6		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 618, introduced by Senators Kennedy and Shields, entitled:

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to suicide.

Was called from the Consent Calendar and taken up by Senator Kennedy.

On motion of Senator Kennedy, **SB 618** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Shields	Steelman	Vogel
Wheeler	Yeckel--26		
	NAYS--Senators--None		
	Absent--Senators		
Bartle	Dougherty	Klindt	Quick
Russell	Scott	Stoll--7	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 534, introduced by Senator Cauthorn, entitled:

An Act to repeal section 198.006, RSMo, and to enact in lieu thereof one new section relating to supervision in nursing homes.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 534** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Steelman
Vogel	Wheeler	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bartle	Dolan	Quick	Scott
Shields	Stoll--6		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 2**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 2

An Act to repeal sections 288.040 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to employment security.

Was taken up.

Senator Russell moved that **SCS** for **SB 2** be adopted.

Senator Russell offered **SS** for **SCS** for **SB 2**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 2

An Act to repeal sections 285.300, 288.040, 288.050, 288.060, and 288.110, RSMo, and to enact in lieu thereof six new sections relating to employees, with penalty provisions.

Senator Russell moved that **SS** for **SCS** for **SB 2** be adopted.

Senator Loudon offered **SS** for **SS** for **SCS** for **SB 2**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 2

An Act to repeal sections 285.300, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof thirteen new sections relating to employees, with an emergency clause and penalty provisions.

Senator Loudon moved that **SS** for **SS** for **SCS** for **SB 2** be adopted.

Senator Bartle assumed the Chair.

At the request of Senator Russell, **SB 2**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 459, regarding Cynthia S. Blaylock, Louisiana, which was adopted.

THIRD READING OF SENATE BILLS

SB 351, with **SCS**, introduced by Senator Dougherty, entitled:

An Act to repeal section 194.220, RSMo, and to enact in lieu thereof one new section relating to health care.

Was called from the Consent Calendar and taken up.

SCS for **SB 351**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351

An Act to repeal section 194.220, RSMo, and to enact in lieu thereof one new section relating to health care.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 351** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **SB 351** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--26		

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Dolan	Goode
Jacob	Quick	Stoll--7	

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 16, with **SCS**, introduced by Senator Childers, entitled:

An Act to repeal section 137.721, RSMo, relating to the percentage of ad valorem property tax collections to be deposited in county assessment funds, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 16

An Act to repeal section 137.721, RSMo, relating to the percentage of ad valorem property tax collections to be deposited in county assessment funds, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Childers moved that **SCS** for **SB 16** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SB 16** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Dolan	Quick
Russell	Stoll--6		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 120, introduced by Senator Caskey, entitled:

An Act to repeal section 137.082, RSMo, relating to assessment of newly constructed property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 120** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Dolan	Mathewson--3
	Absent with leave--Senator DePasco--1	

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 504, with **SCS**, introduced by Senators Clemens and Champion, entitled:

An Act to repeal section 135.207, RSMo, and to enact in lieu thereof one new section relating to satellite enterprise zones.

Was called from the Consent Calendar and taken up by Senator Clemens.

SCS for **SB 504**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 504

An Act to repeal section 135.207, RSMo, and to enact in lieu thereof one new section relating to satellite enterprise zones.

Was taken up.

Senator Clemens moved that **SCS** for **SB 504** be adopted, which motion failed.

On motion of Senator Clemens, **SB 504** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Dolan	Russell	Stoll--3
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 513, with **SCS**, introduced by Senators Kennedy and Coleman, entitled:

An Act to repeal section 84.140, RSMo, and to enact in lieu thereof one new section relating to paid vacation of St. Louis City police members.

Was called from the Consent Calendar and taken up by Senator Kennedy.

SCS for **SB 513**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 513

An Act to repeal section 84.140, RSMo, and to enact in lieu thereof one new section relating to paid vacation of St. Louis City police members.

Was taken up.

Senator Kennedy moved that **SCS** for **SB 513** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 513** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Dolan	Goode	Russell--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 562, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to authorize the conveyance of property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

Was called from the Consent Calendar and taken up.

SCS for **SB 562**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 562

An Act to authorize the conveyance of property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 562** be adopted, which motion prevailed.

Senator Childers assumed the Chair.

On motion of Senator Griesheimer, **SCS** for **SB 562** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt

Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Quick	Stoll--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 577, introduced by Senator Shields, entitled:

An Act to authorize the governor to convey state property to the city of St. Joseph, Missouri.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 577** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 578, introduced by Senator Shields, entitled:

An Act to authorize the governor to convey a tract of land owned by the state in the county of Platte.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 578** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Goode--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 590, introduced by Senator Shields, entitled:

An Act to repeal section 67.990, RSMo, and to enact in lieu thereof one new section relating to tax levy for services to the elderly.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 590** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Coleman--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Shields assumed the Chair.

SB 592, with **SCS**, introduced by Senator Foster, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

Was called from the Consent Calendar and taken up.

SCS for **SB 592**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 592

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

Was taken up.

Senator Foster moved that **SCS** for **SB 592** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **SB 592** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Coleman	Dolan--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 621, with **SCS**, introduced by Senator Loudon, entitled:

An Act to amend chapter 82, RSMo, by adding thereto one new section relating to removal of nuisances.

Was called from the Consent Calendar and taken up.

SCS for **SB 621**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 621

An Act to amend chapter 82, RSMo, by adding thereto one new section relating to removal of nuisances, with a termination date.

Was taken up.

Senator Loudon moved that **SCS** for **SB 621** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 621** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Goode--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 635, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal sections 33.752, 207.060, 302.137, 650.005, and 660.010, RSMo, and to enact in lieu thereof five new sections relating to the reorganization of executive branch departments.

Was called from the Consent Calendar and taken up.

SCS for **SB 635**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 635

An Act to repeal sections 33.752, 207.060, 302.137, 650.005, and 660.010, RSMo, and to enact in lieu thereof five new sections relating to the reorganization of executive branch departments.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 635** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 635** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Goode--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 180, introduced by Senator Bland, entitled:

An Act to repeal section 105.269, RSMo, and to enact in lieu thereof one new section relating to retired teachers and administrators in urban school districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Bland, **SB 180** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler--30		

NAYS--Senators--None

Absent--Senators

Goode	Stoll	Yeckel--3
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 544**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 544**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 544

An Act to amend chapter 23, RSMo, by adding thereto fifteen new sections relating to the Missouri sunset act.
Was taken up.

Senator Gross moved that **SCS** for **SB 544** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 544** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 632, introduced by Senator Days, and **SB 644**, introduced by Senator Kennedy, with **SCS**, entitled respectively:

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to early childhood special education.

Were called from the Consent Calendar and taken up by Senator Days.

SCS for **SBs 632** and **644**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 632 and 644

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

Was taken up.

Senator Days moved that **SCS** for **SBs 632** and **644** be adopted, which motion prevailed.

On motion of Senator Days, **SCS** for **SBs 632** and **644** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Cauthorn	Dolan	Goode	Quick

Russell--5

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 642, with **SCS**, introduced by Senator Foster, entitled:

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to inclement weather exceptions for mandatory days of school attendance, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 642**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 642

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to inclement weather exceptions for mandatory days of school attendance, with an emergency clause.

Was taken up.

Senator Foster moved that **SCS** for **SB 642** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **SB 642** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Cauthorn	Dolan	Quick--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Days

Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Cauthorn	Coleman	Quick--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 676, with **SCS**, introduced by Senator Kennedy, entitled:

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to exceptions to mandatory hours of school attendance, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 676**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 676

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to exceptions to mandatory hours of school attendance, with an emergency clause.

Was taken up.

Senator Kennedy moved that **SCS** for **SB 676** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 676** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Goode	Gross--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Coleman	Goode	Gross--3	
Absent with leave--Senator DePasco--1			

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 666, with **SCS**, introduced by Senator Bland, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to enrollment option plans.

Was called from the Consent Calendar and taken up.

SCS for **SB 666**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 666

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to intra-school district transfer policies.

Was taken up.

Senator Bland moved that **SCS** for **SB 666** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 666** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 686, with **SCS**, introduced by Senator Russell, entitled:

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to transfers from the capital projects fund to the incidental fund.

Was called from the Consent Calendar and taken up.

SCS for **SB 686**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 686

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to transfers from the capital projects fund to the incidental fund, with an emergency clause.

Was taken up.

Senator Russell moved that **SCS** for **SB 686** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **SB 686** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--31	

NAYS--Senators--None

Absent--Senators

Yeckel--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--30		
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Loudon	Yeckel--3	
	Absent with leave--Senator DePasco--1		

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Dolan moved that **SB 481**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SS** for **SCS** for **SB 481** was again taken up.

At the request of Senator Russell, the above substitute was withdrawn.

SS for **SCS** for **SB 481** was again taken up.

At the request of Senator Dolan, the above substitute was withdrawn.

Senator Dolan offered **SS No. 2** for **SCS** for **SB 481**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 481

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof three new sections relating to accountability measures governing the operations of the department of transportation.

Senator Dolan moved that the **SS No. 2** for **SCS** for **SB 481** be adopted.

Senator Shields assumed the Chair.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 11, Section 226.033, Line 18, by inserting immediately after said line the following:

"226.040. 1. The [state highways and transportation commission shall appoint a] chief executive officer with the title

of director of the Missouri department of transportation **shall be appointed by the governor, with the advice and consent of the senate**. The director shall serve at the pleasure of the [commission] **governor**. The director shall be a citizen and a resident of this state, shall have had executive management experience for at least five years, and may be a registered professional engineer. The director's duties shall include appointment of a chief engineer, a chief financial officer and other department heads, engineers and other employees as the commission may designate and deem necessary. Under the direction of the commission, the director shall have general charge of, and be responsible for, the overall operations and performance of the department. The director shall provide quarterly to the commission at its regularly scheduled meetings a current unaudited written version of the report required in subsection 2 of section 21.795, RSMo, with changes from the most recent audited report clearly marked. Such report shall be made available to the public.

2. The chief engineer shall be a registered professional engineer responsible for preparation and approval of all engineering documents, plans and specifications and shall have general oversight of construction and maintenance work for the department as determined by the director.
3. Engineers of the department responsible for supervising the activities of road and bridge design, construction, maintenance and materials inspection and analysis shall be registered professional engineers in this state."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Caskey, Coleman and Days.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bartle	Bray	Coleman	Days
Dolan	Dougherty	Foster	Jacob
Kennedy	Mathewson	Quick	Shields
Stoll	Wheeler-- 14		
NAYS--Senators			
Bland	Caskey	Cauthorn	Champion
Childers	Clemens	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Steelman	Vogel	Yeckel-- 19	
Absent--Senators--None			
Absent with leave--Senator DePasco-- 1			

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 10, Section 226.033, Lines 23-29, by striking all of said lines and further amend said bill, page 11, section 226.033, lines 1-18, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Days, Quick and Stoll.

SA 2 failed of adoption by the following vote:

YEAS--Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			

NAYS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20

Absent--Senators--None

Absent with leave--Senator DePasco--1

Senator Scott offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 11, Section 226.033, Line 18, by inserting after all of said line the following:

"226.096. 1. Any controversy or claim to which the Missouri department of transportation is a party that arises out of or relates to a contract awarded pursuant to subdivision (9) of subsection 1 of section 226.130, and the claim exceeds twenty-five thousand dollars, shall upon written demand by any party, be settled by arbitration administered by the American Arbitration Association under its Construction Industry Arbitration Rules, except as provided in this section. The highway and transportation commission shall promulgate rules pursuant to chapter 536, RSMo, to become effective on or before July 1, 2004, establishing a method for appointment of arbitrators and allowing for the mediation of claims upon agreement of both parties. Judgment upon awards so rendered shall be entered in the circuit court of Cole County, Missouri.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 11, Section 226.033, Line 18, by inserting after all of said line the following:

"226.120. The members of the commission shall elect a member as chairman and another vice chairman, each of whom shall hold such office for a term prescribed by the commission. Four members of the commission shall constitute a quorum for the transaction of business and for the exercise of any of the powers or the discharge of any of the duties authorized or imposed by law. The commission shall meet at least once each month and at such other times,

and at such places within the state, as the commission shall determine. **Commission members shall drive on the state highway system to attend such meetings if the commissioner's residence is less than two hundred miles from such meeting.** The chairman or, in the event of his inability to act, the vice chairman may call special meetings of the commission upon notice to members."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion failed.

Senator Griesheimer offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 11, Section 226.033, Line 18, by inserting the following:

"Section 1. The position of inspector general, as it exists as of January 1, 2003, shall be a permanent position within the department of transportation. Any person holding the position of inspector general may appeal his or her dismissal to the highways and transportation commission; such dismissal shall be upheld by the commission unless a majority of such body determines otherwise."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 11, Section 226.033, Line 18, by inserting after said line:

"Section 1. In a condemnation case where there are multiple ownership interests in the property proposed for condemnation, the circuit court shall separate the trust fund into the respective ownership interests."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 8, Section 21.795, Line 13, by inserting after all of said line the following:

"144.062. 1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for: (1) a county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or (2) an organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or (3) any institution of higher education supported by public funds or any private not-for-profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or (4) any private not-for-profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030, or (5) the department of transportation, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor be

obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity, whether or not the contractor or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall furnish to the contractor an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

- (1) The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;
- (2) The project location, description, and unique identification number;
- (3) The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;
- (4) The estimated project completion date; and
- (5) The certificate expiration date.

Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3. The contractor shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing contractor invoices bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five years and shall be subject to audit by the director of revenue.

4. Any excess resalable tangible personal property or materials which were purchased for the project by a contractor under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor not later than the due date of the contractor's Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

6. If an entity issues exemption certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of its project and such entity is found not to have had the authority

granted by this section to issue such exemption certificates, then such entity shall be liable for the tax owed on such personal property and materials. In addition, if an entity which does have the authority granted by this section to issue exemption certificates issues such certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of a project, or part of a project, which is found not to be related to such entity's exempt functions and activities, then such entity shall be liable for the tax owed on such personal property and materials."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 11, Section 226.033, Line 18, by inserting the following:

- "Section 1. 1. The state highways and transportation commission shall approve and implement a minority and women employment business enterprises program. The plan shall require all business vendors and contractors to assure the enforcement of an equal opportunity employment plan, and a minority and women business enterprises program that is based on population and availability and which contains specific goals for each such business, as applicable pursuant to state and federal laws.**
- 2. The state highways and transportation commission shall implement and maintain an equal opportunity employment plan and a minority and women business enterprises program with specific goals which shall be identified and reported by ethnicity and gender. The state highways and transportation commission minority and women business enterprises program shall include the provisions of sections 34.070, 34.073, and 34.076, RSMo. The state highways and transportation commission shall engage the services of a compliance monitor, through either direct employment or by service contract, to assist in the implementation and progress of the program.**
- 3. The state highways and transportation commission shall develop and implement such plan in coordination with Executive Order 98-21, house committee substitute for senate substitute for senate committee substitute for senate bills nos. 808 and 672 as truly agreed to and finally passed by the eighty-fifth general assembly, second regular session, and the Missouri business development commission."; and**

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Caskey, Days, Stoll and Wheeler.

SA 8 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Quick	Stoll	Wheeler-- 12
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20

Absent--Senator Mathewson--1

Absent with leave--Senator DePasco--1

Senator Bartle assumed the Chair.

Senator Dolan moved that **SS No. 2** for **SCS** for **SB 481**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS No. 2** for **SCS** for **SB 481**, as amended, was declared perfected and ordered printed.

Senator Childers moved that **SB 422**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 422**, as amended, was again taken up.

Senator Shields assumed the Chair.

Senator Steelman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 422, Page 1, Section 162.261, Line 12, by inserting after all of said line the following:

"[162.203. 1. Board members initially elected or appointed under section 162.291, 162.459, 162.471, or 162.581 after August 28, 1993, in addition to the qualifications prescribed in those sections, shall successfully complete orientation and training requirements within one year of the date of the election or appointment. The orientation and training shall consist of at least sixteen hours with the cost of such training to be paid by the district.

2. All programs providing the orientation and training required under the provisions of this section shall be offered by a statewide association organized for the benefit of members of boards of education or be approved by the state board of education.]"; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken and was joined in his request by Senators Days, Kennedy, Nodler and Stoll.

SA 2 failed of adoption by the following vote:

YEAS--Senators

Bland	Cauthorn	Champion	Clemens
Dolan	Griesheimer	Kinder	Klindt
Loudon	Nodler	Scott	Shields
Steelman	Yeckel--14		

NAYS--Senators

Bartle	Bray	Caskey	Childers
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Kennedy	Mathewson	Quick	Stoll

Absent--Senator Russell--1

Absent with leave--Senator DePasco--1

Senator Dougherty offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 422, Page 1, Section 162.261, Line 12, by inserting after all of said line the following:

"162.601. 1. Elected members of the board in office on August 28, 1998, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall serve for the remainder of the term to which the replaced member was elected.

2. No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3. Three board members shall be elected at the second municipal election in an odd-numbered year next following August 28, 1998, to serve four-year terms.

4. Four board members shall be elected at the third municipal election in an odd-numbered year next following August 28, 1998, and two of such members shall be elected to four-year terms and two of such members shall be elected to three-year terms.

5. Beginning with the fourth municipal election in an odd-numbered year next following August 28, 1998, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

6. Members of the board of directors shall be elected to represent seven subdistricts. The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7. A member shall reside in and be elected in the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

[8. No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.]" and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Gross, Wheeler and Quick.

SA 3 was adopted by the following vote:

YEAS--Senators

Bland

Bray

Caskey

Cauthorn

Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Goode
Jacob	Kennedy	Mathewson	Quick
Stoll	Wheeler--18		
	NAYS--Senators		
Bartle	Dolan	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--15	
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

Senator Childers moved that **SCS** for **SB 422**, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SB 422**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 460, regarding Frank Leroy "Frankie" Blair, IV, Fenton, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Wes Anderson, Tedd Maxfield, Juanita Cragin, and Mary Ireland, Nevada.

Senator Caskey introduced to the Senate, Gerald and Evelyn Dirks, Butler.

Senator Foster introduced to the Senate, Rick and Annette Hux, Dexter.

On behalf of Senator Gross and himself, Senator Dolan introduced to the Senate, Kevin Hurd, David Holcomb, Tim McCoy, and Allen Roche, St. Charles County.

Senator Yeckel introduced to the Senate, Nancy Werkmeister, and fifty-one eighth grade students from St. Catherine Laboure School, St. Louis; and Mike Ahrenhoersterbaeumer, Andrew Burlemann, Kerri Gallagher, Barrett Studdard, and Michelle Word were made honorary pages.

Senator Scott introduced to the Senate, representatives of Leadership Bolivar.

Senator Bartle introduced to the Senate, students from Lee's Summit Community Christian School, Lee's Summit.

Senator Jacob introduced to the Senate, students representing University of Missouri Undergraduate Research Day at the Capitol, Columbia.

Senator Yeckel introduced to the Senate, Steve and Lori Shaffer, and their children, Grant and Eric; and Rick and Tammy Schwer, and their children, Kerby, Brandon, and Brianna, St. Louis; and Grant, Eric, Kerby, Brandon, and Brianna were made honorary pages.

Senator Klindt introduced to the Senate, twenty-six fourth grade students and teachers from King City Elementary School, King City.

Senator Cauthorn introduced to the Senate, Ruth Jones, Ruth Threlkeld, Trisha Adams, Kelly Palmer, and students from the Practical School of Nursing at Moberly Area Community College, Mexico.

Senator Klindt introduced to the Senate, Kim and Drew Ireland, and David Duncan, Mound City; and Sr. Mary

Chrisman, Savannah; and Drew was made an honorary page.

Senator Dougherty introduced to the Senate, Tiffany Austin, Joel Brownfield, and Rebecca Creel, St. Louis; and Tiffany, Joel, and Rebecca were made honorary pages.

Senator Griesheimer introduced to the Senate, Gretchen Gullet, Dina Spies, Betty Newton, and Georgia Webb, Pacific; Sherry Hoerr and Sandi Raymo, Labadie; and Pat Bogert, St. Clair.

Senator Loudon introduced to the Senate, Debbie Fritz and students from St. Monica School, Creve Coeur; and Todd Krieger, Rebecca Quinn, Elizabeth Mager, Marianne Sicking, and Becky Kisling were made honorary pages.

Senator Kinder introduced to the Senate, Al Lipke and thirty-eight seventh grade students from St. Paul Lutheran School, Jackson.

Senator Bartle introduced to the Senate, Chris Patterson.

On behalf of Senator Loudon and himself, Senator Gross introduced to the Senate, Bernie Federko, Greg Paslawski, Perry Turnbull, Dale Turvey, Vic Turvey, and Don Breckenridge with the St. Louis Blues Hockey Organization.

Senator Bray introduced to the Senate, forty-five fourth grade students from Our Lady of the Pillar School, St. Louis County.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SIXTH DAY-WEDNESDAY, APRIL 2, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 288

HB 91-Mayer

HCS for HB 273

HS for HCS for HB 156-Phillips

HCS for HB 600

HCS for HB 431

HB 376-Cooper (120)

HB 553-Smith (14)

HCS for HB 392

HB 189-Parker, et al

HB 244-Baker, et al

HB 326-Wagner, et al

HB 351-Quinn, et al

HB 375-Cooper (120)

HB 388-Riback Wilson, et al

HB 463-King, et al

HB 465-Hanaway, et al

HCS for HB 472

HB 477-Moore, et al

HB 478-Moore, et al

HB 505-Byrd and Villa

HB 512-Cooper (120), et al

HB 464-King, et al

HB 60-Sutherland

HB 57-Riback Wilson

HCS for HB 222

HS for HCS for HB 228-Pearce

HS for HB 197-Johnson (47)

HCS for HB 322

HCS for HB 318

HCS for HB 427

HB 430-Stevenson, et al

HB 445-Portwood, et al

HB 491-Rupp, et al

HCS for HB 575

HB 594-Emery, et al

HB 597-Schlottach, et al

HB 598-Schlottach, et al

HCS for HB 356

HB 523-Dusenberg, et al

HB 552-Kingery

HB 599-Burnett, et al

HCS for HB 613

SENATE BILLS FOR PERFECTION

1. SB 450-Mathewson, et al,
with SCS

2. SB 305-Jacob and Steelman

3. SB 410-Shields and Goode,
with SCS

4. SB 5-Caskey, with SCS

5. SBs 556 & 311-Kinder, et al,
with SCS

6. SB 243-Yeckel

7. SBs 361, 103, 156 &
329-Steelman, with SCS

8. SB 28-Gross

9. SB 362-Steelman and Gross

10. SB 184-Bartle and Scott

11. SB 38-Klindt, et al, with SCS

12. SB 241-Yeckel, with SCS

13. SB 476-Jacob

14. SB 460-Loudon

15. SBs 381, 384, 432 & 9-Dolan,
with SCS

16. SB 39-Cauthorn, et al, with
SCA 1

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al
(Childers)

HCS for HB 221, with
SCS (Yeckel)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Russell, with SCS, SS for
SCS & SS for SS for SCS (pending)

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelmann, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 69-Yeckel and Nodler,

with SCS (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS (pending)

SB 217-Champion and Clemens,

with SS (pending)

SB 253-Steelmann, et al,

with SCS, SS for SCS &

SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS,

SS for SCS & SA 2 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 385-Scott, with SCS

Reported 3/4

SB 468-Bartle

Reported 3/10

SB 392-Shields

SB 447-Bartle, with SCS

Reported 3/13

SB 159-Bland, with SCS

(In Fiscal Oversight)

SB 694-Klindt

SB 334-Goode

SB 651-Steelman, et al

SB 668-Cauthorn and Klindt

SB 606-Coleman

SB 611-Clemens, et al

SB 623-Foster

SB 293-Vogel

SB 438-Clemens, et al

SB 490-Dolan

SB 594-Bray, with SCS

SB 598-Childers and Nodler

SB 697-Nodler, et al

SB 552-Yeckel

SB 463-Gross

SB 511-Kinder, et al

RESOLUTIONS

SCR 15-Dolan, et al

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SIXTH DAY--WEDNESDAY, APRIL 2, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

Reverend Carl Gauck offered the following prayer:

"For God didn't give us a spirit of cowardice but rather a spirit of power and of love and of self-discipline." (2 Timothy 1:7)

Almighty God, give us a sense of Your power so we may do what is right and make the difficult decisions we must. Help our hearts to be filled with compassion so our priorities reflect what You expect of us and do what You would have us do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Senate observed a moment of silence in recognition of Child Abuse Awareness Month.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 461, regarding the Ninetieth Birthday of Orval E. Burris, Raytown, which was adopted.

Senator Wheeler offered Senate Resolution No. 462, regarding the death of Phillip Pistilli, Kansas City, which was adopted.

Senator Bartle offered Senate Resolution No. 463, regarding Scott D. Howell, Independence, which was adopted.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 554**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 544**; **SS No. 2** for **SCS** for **SB 481**; and **SCS** for **SB 422**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 7, Page 287 of the Senate Journal for Monday, February 24, 2003, Column 2, Line 32 of said column, by striking the comma "," immediately after the word "Administrator" and inserting in lieu thereof the following: "which office shall supply a copy to".

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 13

Establishing a Subcommittee on Competition and Privatization within the Joint Committee on Legislative Research.

WHEREAS, the current budgetary situation has brought about a heightened necessity to re-examine the state's expenditures; and

WHEREAS, the state performs many functions which are similarly performed by private industry; and

WHEREAS, certain aspects of state administration and services may be more efficiently served by private involvement; and

WHEREAS, the Joint Committee on Legislative Research is established pursuant to the Constitution to carry out the duties assigned to it by law:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, that we hereby create a Subcommittee on Competition and Privatization within the Joint Committee on Legislative Research; and

BE IT FURTHER RESOLVED, the subcommittee shall identify ways to reduce cost to state government and increase quality of state services to the citizens of this state; and

BE IT FURTHER RESOLVED, the subcommittee shall perform both a competition review and privatization review and make recommendations based on its findings; and

BE IT FURTHER RESOLVED that the Subcommittee herein established shall consist of twelve members of which three shall be members of the Senate appointed by the President Pro Tem of the Senate of which at least one shall be from the minority party, three shall be members of the

House of Representatives appointed by the Speaker of the House of Representatives of which at least one shall be from the minority party, and six shall be representatives of private businesses of which three shall be appointed by the President Pro Tem of the Senate and three shall be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research shall provide the necessary staff resources for the Subcommittee from its own staff, although it may choose to call upon the additional resources of the Senate and House Research offices; and

BE IT FURTHER RESOLVED that the subcommittee is authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective provided herein; and

BE IT FURTHER RESOLVED that within funds available to the committee, it may employ necessary consulting services to assist in its objectives and provide for reasonable reimbursement of non-legislative members of the committee; and

BE IT FURTHER RESOLVED that the subcommittee shall hold its initial meeting no later than the first Friday after the start of the first September Veto Session of the 92nd General Assembly and shall meet at least quarterly thereafter; and

BE IT FURTHER RESOLVED that the subcommittee must deliver its first report to the Governor, General Assembly, the state Auditor, and the Joint Committee on Legislative Research with its findings and recommendations by January 15, 2004 and a second report to the same by December 31, 2004; and

BE IT FURTHER RESOLVED that the subcommittee shall expire at the end of the 92nd General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Joint Committee on Legislative Research.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 2**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Childers assumed the Chair.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

THIRD READING OF SENATE BILLS

SB 392, introduced by Senator Shields, entitled:

An Act to repeal sections 260.475 and 260.479, RSMo, and to enact in lieu thereof two new sections relating to hazardous waste generator fees.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 392** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Shields	Steelman
Stoll	Vogel	Wheeler--27	

NAYS--Senators--None

Absent--Senators

Dolan	Foster	Jacob	Russell
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Scott

Yeckel--6

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 334, introduced by Senator Goode, entitled:

An Act to repeal sections 319.125, 319.127, 319.139, RSMo, and section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof four new sections relating to underground storage tanks.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 334** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Gibbons
Goode	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mathewson	Nodler
Quick	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Dolan	Foster	Jacob	Kinder
Russell	Scott--6		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

SB 651, introduced by Senator Steelman, et al, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the establishment of an official state grape.

Was called from the Consent Calendar and taken up by Senator Steelman.

On motion of Senator Steelman, **SB 651** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Dolan	Foster	Jacob	Russell--4
Absent with leave--Senator DePasco-- 1			

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 668, introduced by Senators Cauthorn and Klindt, entitled:

An Act to repeal section 348.432, RSMo, and to enact in lieu thereof one new section relating to new generation cooperatives.

Was called from the Consent Calendar and taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SB 668** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Dolan	Foster	Goode	Quick--4
Absent with leave--Senator DePasco-- 1			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 606, introduced by Senator Coleman, entitled:

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to conveyances of land by the department of natural resources.

Was called from the Consent Calendar and taken up.

On motion of Senator Coleman, **SB 606** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Foster	Mathewson--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 611, introduced by Senator Clemens, et al, entitled:

An Act to repeal section 262.290, RSMo, and to enact in lieu thereof one new section relating to county agricultural and mechanical societies.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **SB 611** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--30		
NAYS--Senators--None			
Absent--Senators			
Foster	Quick	Yeckel--3	

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 293, introduced by Senator Vogel, entitled:

An Act to repeal section 143.481, RSMo, and to enact in lieu thereof one new section relating to procedures for filing income taxes.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 293** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Foster	Quick	Stoll--4
Absent with leave--Senator DePasco-- 1			

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 450**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 450**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 450

An Act to amend chapter 37, RSMo, by adding thereto six new sections relating to the reorganization of the state health care system, with an emergency clause.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 450** be adopted.

Senator Mathewson offered **SS** for **SCS** for **SB 450**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 450

An Act to amend chapter 37, RSMo, by adding thereto seven new sections relating to the reorganization of the state health care system, with an emergency clause for certain sections.

Senator Mathewson moved that **SS** for **SCS** for **SB 450** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 450, Page 11, Section 37.645, Line 27 of said page, by inserting immediately after said line the following:

"192.350. 1. There is hereby established within the department of health and senior services the "Missouri State Advisory Council on Pain and Symptom Management". The council shall consist of nineteen members that are residents of this state. The members of the council shall include:

- (1) The director of the department of health and senior services, or the director's designee, who shall serve as chair of the council;**
- (2) The state attorney general, or the attorney general's designee;**
- (3) Two members of the senate, appointed by the president pro tempore of the senate;**
- (4) Two members of the house of representatives, appointed by the speaker of the house of representatives;**
- (5) One physician, appointed by the Missouri state board of registration for the healing arts, that is certified and accredited in pain management;**
- (6) One physician, appointed by the Missouri state board of registration for the healing arts, that is certified or accredited in palliative care;**
- (7) Two registered nurses, appointed by the Missouri board of nursing, with expertise in hospice, oncology, long-term care, or pain and symptom management and is certified by the National Board for Certification of Hospice and Palliative Nurses;**
- (8) One dentist, appointed by the Missouri board of dentistry, with training in pain and symptom management and is associated with the education and training of dental students;**
- (9) One pharmacist, appointed by the Missouri board of pharmacy, with training in pain and symptom management and is associated with the education and training of pharmacists;**
- (10) One representative of the pharmaceutical research and manufacturers of America, appointed by the governor, with the advice and consent of the senate;**

- (11) One mental health services provider, appointed by the governor, with the advice and consent of the senate;**
- (12) One physician assistant, appointed by the Missouri advisory commission for physician assistants, with training in pain and symptom management;**
- (13) One chiropractic physician, appointed by the Missouri state board of chiropractic examiners, with training in pain and symptom management;**
- (14) One physical therapist, appointed by the Missouri Physical Therapy Association, that specializes in pain management;**
- (15) One advocate representing voluntary health organizations or advocacy groups with an interest in pain management, appointed by the governor, with the advice and consent of the senate; and**
- (16) One member who has been diagnosed with chronic pain, appointed by the governor, with the advice and consent of the senate.**

2. Members of the council shall be appointed by February 1, 2004. Of the members first appointed to the council, seven members shall serve a term of two years, and eight members shall serve a term of one year, and thereafter, members shall serve a term of two years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the council shall be filled in the same manner as the original appointment.

192.352. 1. Members shall serve without compensation but shall, subject to appropriations, be reimbursed for reasonable and necessary expenses actually incurred in the performance of the member's official duties.

2. The department of health and senior services shall provide administrative support and current staff as necessary for the effective operation of the council with existing resources.

192.355. 1. Meetings shall be held at least every ninety days or at the call of the council chair.

2. The advisory council shall:

- (1) Hold public hearings pursuant to chapter 536, RSMo, to gather information from the general public on issues pertaining to pain and symptom management;**
- (2) Make recommendations on acute and chronic pain management treatment practices;**
- (3) Analyze statutes, rules, and regulations regarding pain management;**
- (4) Study the use of alternative therapies regarding pain and symptom management and any sanctions imposed;**
- (5) Review the acute and chronic pain management education provided by professional licensing boards of this state;**
- (6) Examine the needs of adults, children, the terminally ill, racial and ethnic minorities, and medically underserved populations that have acute and chronic pain;**
- (7) Make recommendations on integrating pain and symptom management into the customary practice of health care professionals;**
- (8) Identify the roles and responsibilities of health care professionals in pain and symptom management;**
- (9) Make recommendations on the duration and content of continuing education requirements for pain and symptom management;**

(10) Review guidelines on pain and symptom management issued by the United States Department of Health and Human Services;

(11) Provide an annual report on the activities of the council to the director of the department of health and senior services, the speaker of the house of representatives, the president pro tempore of the senate, and the governor by February first of every year. Such report shall include, but not be limited to the following:

(a) Issues and recommendations developed by the council;

(b) Pain management educational curricula and continuing education requirements of institutions providing health care education;

(c) Information regarding the impact and effectiveness of prior recommendations, if any, that have been implemented; and

(d) Review of current policies regarding pain and symptom management and any changes thereto occurring in pain and symptom management.

3. The department of health and senior services may accept on behalf of the council any federal funds, gifts, and donations from individuals, private organizations, and foundations, and any other funds that may become available."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Mathewson, **SB 450**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 376--Aging, Families, Mental and Public Health.

HB 553--Pensions and General Laws.

HCS for **HB 392**--Commerce and the Environment.

HB 189--Education.

HB 244--Economic Development, Tourism and Local Government.

HB 326--Economic Development, Tourism and Local Government.

HB 351--Economic Development, Tourism and Local Government.

HB 388--Economic Development, Tourism and Local Government.

HB 463--Economic Development, Tourism and Local Government.

HB 465--Pensions and General Laws.

HCS for **HB 472**--Economic Development, Tourism and Local Government.

HB 477--Aging, Families, Mental and Public Health.

HB 478--Transportation.

HB 505--Commerce and the Environment.

HB 512--Small Business, Insurance and Industrial Relations.

HB 464--Aging, Families, Mental and Public Health.

HB 60--Ways and Means.

HB 57--Ways and Means.

HCS for **HB 318**--Economic Development, Tourism and Local Government.

HB 445--Aging, Families, Mental and Public Health.

HB 491--Transportation.

HB 594--Economic Development, Tourism and Local Government.

HB 597--Transportation.

HB 598--Transportation.

HCS for **HB 356**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 523--Pensions and General Laws.

HB 552--Economic Development, Tourism and Local Government.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

THIRD READING OF SENATE BILLS

Senator Bartle moved that **SB 447**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SB 447** was again taken up.

Senator Bartle requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Bartle offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 447, Page 1, Section 477.650, Lines 7-8, by deleting said lines and inserting in lieu thereof the following: "the fund shall be credited to the fund. The purpose".

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **SCS** for **SB 447**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 447**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Childers
Clemens	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--25			

NAYS--Senators			
Cauthorn	Champion	Griesheimer	Scott--4
Absent--Senators			
Bland	Days	Dolan	Russell--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 623, introduced by Senator Foster, entitled:

An Act to repeal sections 116.175 and 116.190, RSMo, and to enact in lieu thereof two new sections relating to challenges to fiscal notes and fiscal note summaries.

Was called from the Consent Calendar and taken up.

On motion of Senator Foster, **SB 623** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--30		
NAYS--Senators--None			
Absent--Senators			
Dolan	Russell	Yeckel--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 438, introduced by Senator Clemens, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **SB 438** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Dolan	Quick	Russell--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 450**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 450**, as amended, was again taken up.

Senator Steelman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 450, Page 1, In the Title, Line 5 of said title, inserting after the word "sections" the following: "and a contingent effective date for certain sections"; and

Further amend said bill, Page 12, Section B, Line 14 of said page, by inserting after all of said line the following:

"Section C. The enactment of sections 37.635 to 37.645 and section 1 of this act shall be contingent on the enactment of a concurrent resolution by the ninety-second general assembly, signed by the governor, approving the enactment of such sections and specifying which entities, if any, are to be excluded from the division of community health. The secretary of state shall notify the revisor of statutes upon receipt of such fully enacted and signed concurrent resolution."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Mathewson, **SB 450**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SS No. 2** for **SCS** for **SB 481** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Jacob moved that **SB 305** be taken up for perfection, which motion prevailed.

Senator Jacob offered **SS** for **SB 305**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 305

An Act to repeal sections 143.011, 143.431, 143.451, 143.461, 143.471, 144.020, 149.015, and 149.160, RSMo, and to enact in lieu thereof six new sections relating to taxation, with a referendum clause.

Senator Jacob moved that **SS** for **SB 305** be adopted.

Senator Bartle raised the point of order that **SS** for **SB 305** is out of order, as it goes beyond the scope and title of the original bill and is not germane.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

Senator Shields moved that **SB 410**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 410**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 410

An Act to repeal sections 191.831, 302.540, 577.049, and 577.520, RSMo, and to enact in lieu thereof four new sections relating to substance abuse traffic offender program.

Was taken up.

Senator Shields moved that **SCS** for **SB 410** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 410**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 410

An Act to repeal sections 191.831, 302.304, 302.540, 577.041, 577.049, and 577.520, RSMo, and to enact in lieu thereof six new sections relating to substance abuse traffic offender program.

Senator Shields moved that **SS** for **SCS** for **SB 410** be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **SB 410** was declared perfected and ordered printed.

At the request of Senator Caskey, **SB 5**, with **SCS**, was placed on the Informal Calendar.

Senator Russell moved that **SB 2**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SS** for **SCS** for **SB 2** was again taken up.

At the request of Senator Loudon, the above substitute was withdrawn.

Senator Loudon offered **SS No. 2** for **SS** for **SCS** for **SB 2**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 2

An Act to repeal sections 285.300, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof thirteen new sections relating to employees, with an emergency clause and penalty provisions.

Senator Loudon moved that **SS No. 2** for **SS** for **SCS** for **SB 2** be adopted.

At the request of Senator Russell, **SB 2**, with **SCS**, **SS** for **SCS** and **SS No. 2** for **SS** for **SCS** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 697, introduced by Senator Nodler, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the George Washington Carver Memorial Highway.

Was called from the Consent Calendar and taken up by Senator Nodler.

On motion of Senator Nodler, **SB 697** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Vogel--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 490, introduced by Senator Dolan, entitled:

An Act to repeal sections 302.510, 302.530, and 577.041, RSMo, and to enact in lieu thereof three new sections relating to duties of law enforcement officers with respect to alcohol-related traffic offenses.

Was called from the Consent Calendar and taken up.

Senator Dolan moved that **SB 490** be read the 3rd time and finally passed.

At the request of Senator Dolan, the above motion was withdrawn, which placed the bill back on the Calendar.

SB 594, with **SCS**, introduced by Senator Bray, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to operation of low-speed vehicles on public highways.

Was called from the Consent Calendar and taken up.

SCS for **SB 594**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 594

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to operation of low-speed vehicles on public highways.

Was taken up.

Senator Bray moved that **SCS** for **SB 594** be adopted, which motion prevailed.

On motion of Senator Bray, **SCS** for **SB 594** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Foster	Vogel--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 598, introduced by Senators Childers and Nodler, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the creation of the Corporal Bobbie J. Harper Memorial Highway.

Was called from the Consent Calendar and taken up by Senator Childers.

On motion of Senator Childers, **SB 598** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Foster	Jacob	Mathewson	Vogel--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

SB 552, introduced by Senator Yeckel, entitled:

An Act to repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to property exempt from attachment.

Was called from the Consent Calendar and taken up.

On motion of Senator Yeckel, **SB 552** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Foster	Jacob	Mathewson	Vogel--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 463, introduced by Senator Gross, entitled:

An Act to repeal section 355.331 as enacted by house substitute for senate bill no. 768, eighty-eighth general assembly, second regular session, and to enact in lieu thereof one new section for the sole purpose of reenacting section 355.331 as enacted by house substitute for senate bill no. 768, eighty-eighth general assembly, second regular session which was held unconstitutional by the Missouri Supreme Court.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 463** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott

Shields	Steelman	Stoll	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Foster	Jacob	Vogel--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 511, introduced by Senator Kinder, et al, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on the life sciences.

Was called from the Consent Calendar and taken up by Senator Kinder.

On motion of Senator Kinder, **SB 511** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Foster	Jacob--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 410**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the

printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 464, regarding the Ninety-ninth Birthday of Grace Calvert, Palmyra, which was adopted.

Senator Cauthorn offered Senate Resolution No. 465, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul R. "Bob" Wilsdorf, Holliday, which was adopted.

Senator Champion offered Senate Resolution No. 466, regarding the Eightieth Birthday of Dr. Paul Busiek, Springfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 467, regarding Child Abuse and Neglect Prevention Month, which was adopted.

Senator Yeckel offered Senate Resolution No. 468, regarding Jason Matthew Bland, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 469, regarding Robert W. Hawkins, which was adopted.

Senator Vogel offered Senate Resolution No. 470, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jean Warden, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 471, regarding Sue Ellen Hoskins, Henley, which was adopted.

Senator Vogel offered Senate Resolution No. 472, regarding Brian Allen Sandhaus, Jefferson City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Harold Enslow and Ron Sterreot, Mexico; Merline Barley, Lincoln County; and Lillie Sorrell, Pike County.

Senator Cauthorn introduced to the Senate, Lori Weber and students from Covenant Life Fellowship School, Kirksville.

Senator Clemens introduced to the Senate, representatives of the Silver Haired Legislature from around the state.

Senator Steelman introduced to the Senate, Jane Paul and Anne Soots, Springfield; Theresa Loveless, Kathy Dabrowski, and Merrily Goldsmith, St. Louis; Jan Yamnitz, Jay Seaver, Constance Bearnese and Roberta Henson, Jefferson City; Karen McGuigan, Duana Dralus and Judy Vickery, Kansas City; Denise Stewart and Laura Hinkebein, Cape Girardeau; Cindy Weber and June Chen, Sikeston; and representatives of the Missouri Girl Scout Legislative Task Group from around the state.

Senator Yeckel introduced to the Senate, Terry Davis and representatives of the Kansas City Carpenters District Council; and Terry Nelson and representatives of the St. Louis Carpenters District Council.

On behalf of Senator Dougherty and herself, Senator Coleman introduced to the Senate, Gary Evans and members of the St. Louis Christian Academy, St. Louis.

Senator Yeckel introduced to the Senate, Holly Kunze and sixty-five fourth grade students from Kennerly Elementary School, St. Louis; and Nicole Fitz, Samantha Lerbs, Daimon Jackson, and Wes Krebeck were made honorary pages.

Senator Bland introduced to the Senate, Nomin Ganbaatar, Mongolia; Kazumi Irabu, Japan; Marija Kuricina, Latvia;

Tanya Kangur, Holland; Jyrki Puski, Finland; Stine Wittrup Thomasen, Denmark; Timo Graen, Saskia Blank, Christian Aleff, Martin Scheerbaum, and Jan Phillipp Sticht, Germany; Victor Rathsmann, Sweden; and Bob Eskew, Shirley Storey, Lynnette Fitzgerald, and Cheryl Eskew, representing the United States Study Exchange.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Randall Mueller, M.D., Columbia.

Senator Russell introduced to the Senate, Dr. Victor C. Buehler, West Plains.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SEVENTH DAY-THURSDAY, APRIL 3, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 288

HB 91-Mayer

HCS for HB 273

HS for HCS for HB 156-Phillips

HCS for HB 600

HCS for HB 431

HB 375-Cooper (120)

HCS for HB 222

HS for HCS for HB 228-Pearce

HS for HB 197-Johnson (47)

HCS for HB 322

HCS for HB 427

HB 430-Stevenson, et al

HCS for HB 575

HB 599-Burnett, et al

HCS for HB 613

THIRD READING OF SENATE BILLS

SCS for SB 544-Gross, et al

SS#2 for SCS for SB 481-Dolan

(In Fiscal Oversight)

SCS for SB 422-Childers

SS for SCS for SB 410-Shields

SENATE BILLS FOR PERFECTION

1. SBs 556 & 311-Kinder,

et al, with SCS

2. SB 243-Yeckel

3. SBs 361, 103, 156 &

329-Steelman, with SCS

4. SB 28-Gross

5. SB 362-Steelman and Gross
6. SB 184-Bartle and Scott
7. SB 38-Klindt, et al, with SCS
8. SB 241-Yeckel, with SCS
9. SB 476-Jacob
10. SB 460-Loudon
11. SBs 381, 384, 432 & 9-Dolan, with SCS
12. SB 39-Cauthorn, et al, with SCA 1

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al (Childers)
HCS for HB 221, with SCS
(Yeckel)

HCS for HB 554 (Foster)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Russell, with SCS,
SS for SCS & SS#2 for
SS for SCS (pending)
SB 5-Caskey, with SCS

SB 18-Yeckel and Cauthorn,
with SCS & SS for SCS
(pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 69-Yeckel and Nodler,
with SCS (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS (pending)

SB 217-Champion and
Clemens, with SS (pending)

SB 253-Steelman, et al,
with SCS, SS for SCS &
SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with
SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS, SS for
SCS & SA 2 (pending)

SB 450-Mathewson, et al, with
SCS, SS for SCS & SA 2

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 385-Scott, with SCS

Reported 3/4

SB 468-Bartle

Reported 3/13

SB 159-Bland, with SCS

(In Fiscal Oversight)

SB 694-Klindt

SB 490-Dolan

RESOLUTIONS

SCR 15-Dolan, et al

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1 (pending)

SCR 7-Gross, et al, with SCA 1

SCR 13-Nodler and Gibbons,

with SCS

SCR 2-Bland

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY--THURSDAY, APRIL 3, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord, the compassionate and gracious God, slow to anger, abounding in love and faithfulness." (Exodus 34:6)

Loving God, thank You for embracing us in Your love and caring. As the war continues to rage let us not lose sight that You have created us in love to love one another and therefore show compassion on those injured in this conflict. Bless our service men and women with Your protection and comfort and guide those that are in harm's way. In Your Loving and Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel--33

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 473, regarding Susan Bonebrake, Richland, which was adopted.

Senator Mathewson offered Senate Resolution No. 474, regarding the Mid-Missouri Telephone Company, Pilot Grove, which was adopted.

Senator Stoll offered Senate Resolution No. 475, regarding Betty Morris, Aberdeen, Maryland, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 199**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 620**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 416**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 219**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SJR 13**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 73** begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 555**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HS** for **HCS** for **HB 321**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the

following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 695**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 693**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 12**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which were referred **SB 248, SB 100, SB 118, SB 233, SB 247, SB 341** and **SB 420**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 27**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 209**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 685**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 455**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HCS for HBs 122 and 80**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which were referred **SB 343, SB 89, SB 134, SB 171, SB 240, SB 261, SB 331, SB 368, SB 369, SB 419, SB 484** and **SB 581**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 446**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 242, Page 1, Section 512.099, Line 4, by striking the word "statues" and inserting in lieu thereof the following: "**statutes**"; and further amend line 6, by striking "twenty-five" and inserting in lieu thereof the following: "**fifty**".

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SB 410** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Bartle assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 556** and **SB 311**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 556** and **311**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 556 and 311

An Act to repeal sections 198.006, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.105, 198.525, 198.526, 198.532, 208.072, 208.159, 344.050, 565.186, 570.145, 630.140, 630.165, 630.167, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof thirty-nine new sections relating to the protection of the elderly, with penalty provisions and an expiration date for a certain section.

Was taken up.

President Maxwell assumed the Chair.

Senator Kinder moved that **SCS** for **SBs 556** and **311** be adopted.

Senator Kinder offered **SS** for **SCS** for **SBs 556** and **311**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 556 and 311

An Act to repeal sections 198.006, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.105, 198.525, 198.526, 198.532, 344.050, 565.186, 570.145, 630.140, 630.165, 630.167, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof thirty-eight new sections relating to the protection of the elderly, with penalty provisions and an expiration date for a certain section.

Senator Kinder moved that **SS** for **SCS** for **SBs 556** and **311** be adopted.

Senator Dolan offered **SS** for **SS** for **SCS** for **SBs 556** and **311**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 556 and 311

An Act to repeal sections 198.006, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.093, 198.105, 198.525, 198.526, 198.532, 344.050, 565.186, 570.145, 630.140, 630.165, 630.167, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof thirty-eight new sections relating to the protection of the elderly, with penalty provisions and an expiration date for a certain section.

Senator Dolan moved that **SS** for **SS** for **SCS** for **SBs 556** and **311** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 70, Section 660.321, Line 3 of said page, by inserting immediately after said line the following:

"[197.725. 1. The department of health and senior services shall establish procedures for the licensing of necessary provider hospitals. For purposes of this section, "necessary provider hospital" means an existing hospital, as defined in section 197.020, that is located outside a Standard Metropolitan Area and that:

- (1) Provides inpatient care to ill or injured persons prior to their transportation to a hospital or provides inpatient medical care to persons needing such care for a period of no longer than ninety-six hours with exceptions as authorized by federal Medicare law and regulations;
- (2) May have up to fifteen acute care inpatient beds and may participate in the federal swing-bed program for up to ten additional beds;
- (3) Makes available emergency services on a twenty-four-hour basis; and
- (4) Is required to have formal agreements with at least one hospital and other appropriate providers for such services as patient referral and transfer, communication systems, provision of emergency and nonemergency transportation, and

backup medical and emergency services.

2. The department of health and senior services may promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.]"; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 14, Section 198.067, Line 10, by striking all of said section and inserting in lieu the following:

"198.067. 1. An action may be brought by the department, or by the attorney general on his or her own volition or at the request of the department or any other appropriate state agency, to temporarily or permanently enjoin or restrain any violation of sections 198.003 to 198.096, to enjoin the acceptance of new residents until substantial compliance with sections 198.003 to 198.096 is achieved, or to enjoin any specific action or practice of the facility. Any action brought pursuant to the provisions of this section shall be placed at the head of the docket by the court, and the court shall hold a hearing on any action brought pursuant to the provisions of this section no less than fifteen days after the filing of the action.

2. The department may bring an action in circuit court to recover a civil penalty against the licensed operator of the facility as provided by this section. Such action shall be brought in the circuit court for the county in which the facility is located. The circuit court shall determine the amount of penalty to be assessed within the limits set out in this section. Appeals may be taken from the judgment of the circuit court as in other civil cases.

3. The operator of any facility which has been cited with a violation of sections 198.003 to 198.096 or the regulations established pursuant thereto, or of subsection (b), (c), or (d) of Section 1396r of Title 42 of the United States Code or the regulations established pursuant thereto, is liable to the state for civil penalties of up to [ten] **twenty-five** thousand dollars for each day that the violations existed or continue to exist. Violations shall be presumed to continue to exist from the time they are found until the time the [division of aging] **department of health and senior services** finds them to have been corrected. **When applicable**, the amount of the penalty shall be determined as follows:

(1) For each violation of a class I standard **when applicable pursuant to subdivision (6) of this subsection**, not less than one [hundred fifty] **thousand** dollars nor more than [one] **ten** thousand dollars;

(2) For each violation of a class II standard, not less than **two hundred** fifty dollars nor more than [five hundred] **one thousand** dollars;

(3) For each violation of a class III standard, not less than [fifteen dollars] **fifty dollars** nor more than [one] **two** hundred fifty dollars;

(4) For each violation of a federal standard which does not also constitute a violation of a state law or regulation, not less than two hundred fifty dollars nor more than five hundred dollars;

(5) For each specific class I violation by the same operator **at a particular facility** which has been cited **previously** within the past twenty-four months and for each specific class II or III violation by the same operator **at a particular facility** which has been cited **previously** within the past twelve months, double the amount last imposed;

(6) In accordance with the provisions of this section, when the department imposes a civil monetary penalty for a class I violation, the liability for the civil monetary penalty shall be incurred immediately upon the imposition

of the violation regardless of any subsequent correction of the violation by the facility. For class II and III violations the department shall impose a civil monetary penalty if a breach of a specific state or federal standard or statute remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code. A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.

[As used in this subdivision the term "violation" shall mean a breach of a specific state or federal standard or statute which remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code. A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.]

4. Any individual who willfully and knowingly certifies pursuant to subsection (b)(3)(B)(I) of Section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than one thousand dollars with respect to each assessment. Any individual who willfully and knowingly causes another individual to certify pursuant to subsection (b)(3)(B)(i) of Section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than five thousand dollars with respect to each assessment.

5. The imposition of any remedy provided for in sections 198.003 to 198.186 shall not bar the imposition of any other remedy.

6. Twenty-five percent of the penalties collected pursuant to this section shall be deposited in the [division of aging] elderly home-delivered meals trust fund as established in section 660.078, RSMo. Twenty-five percent of the penalties collected pursuant to this section shall be deposited in the nursing facility quality care fund to be used for the sole purpose of supporting quality care improvement projects within the office of state ombudsman for long-term care facility residents, established pursuant to section 660.603, RSMo. The remaining fifty percent of the penalties collected pursuant to this section shall be deposited into the nursing facility quality of care fund established in section 198.418 to be used by the department for the sole purpose of developing a program to assist qualified nursing facilities to improve the quality of service to their residents. The director of the department shall, by rule, develop a definition of qualified facilities and shall establish procedures for the selection of qualified facilities. Such penalties shall not be considered a charitable contribution for tax purposes.

7. To recover any civil penalty, the moving party shall prove by clear and convincing evidence that the violation occurred.

8. The licensed operator of a facility against whom an action to recover a civil penalty is brought pursuant to this section may confess judgment as provided in section 511.070, RSMo, at any time prior to hearing. If such licensed operator agrees to confess judgment, the amount of the civil penalty recommended by the moving party in its petition shall be reduced by twenty-five percent and the confessed judgment shall be entered by the circuit court at the reduced amount.

9. The amount of any civil penalty assessed by the circuit court pursuant to this section shall be reduced by the amount of any civil monetary penalty which the licensed operator of the facility may establish it has paid pursuant to the laws of the United States for the breach of the same federal standards for which the state action is brought.

10. In addition to the civil penalties specified in subdivision (1) of subsection 3 of this section, any facility which is cited with a violation of a class I standard pursuant to subsection 1 of section 198.085, when such violation results in serious physical injury or abuse of a sexual nature pursuant to subdivision (1) of section 198.006, to any resident of that facility shall be liable to the state for a civil penalty of one hundred dollars multiplied by the number of beds licensed to the facility, up to a maximum of ten thousand dollars pursuant to subsections 1 and 2 of this section. The liability of the facility for civil penalties pursuant to this section shall be incurred immediately upon the citation of the violation and shall not be affected by any subsequent correction of the violation. For the purposes of this section, "serious physical injury" means physical injury that creates a substantial risk of death or that causes serious

disfigurement or protracted loss or impairment of the function of any part of the body.

11. The department shall not impose a fine for self-reporting class II and class III violations so long as each violation is corrected within a specified period of time as determined by the department and there is no reoccurrence of the particular violation for twelve months following the date of the first self-reporting.

12. If a facility is sold or changes its operator, any civil penalty assessed shall not be sold, transferred, or otherwise assigned to the successor operator but shall remain the sole liability of the operator at the time of the violation."

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Kinder, **SB 556** and **SB 311**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HBs 122** and **80**; **HS** for **HCS** for **HB 321**; and **HCS** for **HB 73** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SCS for **SB 544**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 544

An Act to amend chapter 23, RSMo, by adding thereto fifteen new sections relating to the Missouri sunset act.

Was taken up by Senator Gross.

Senator Bartle assumed the Chair.

On motion of Senator Gross, **SCS** for **SB 544** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Goode Russell--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SCS for **SB 422**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 422

An Act to repeal sections 162.261 and 162.601, RSMo, and to enact in lieu thereof two new sections relating to qualification for service on a seven-director or urban school board.

Was taken up by Senator Childers.

On motion of Senator Childers, **SCS** for **SB 422** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland	Dolan	Dougherty	Goode
Russell--5			

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

At the request of Senator Childers, **HB 412** was placed on the Informal Calendar.

At the request of Senator Yeckel, **HCS** for **HB 221**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 554**, entitled:

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to inclement weather exceptions for mandatory days of school attendance, with an emergency clause.

Was taken up by Senator Foster.

On motion of Senator Foster, **HCS** for **HB 554** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Russell--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Clemens	Dolan	Stoll--3
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Absent with leave--Senator DePasco--1

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 275, introduced by Senator Russell, entitled:

An Act to repeal section 2, as enacted by senate bill no. 1168, ninety-first general assembly, second regular session, section 2, as enacted by senate committee substitute for house bill no. 1811, ninety-first general assembly, second regular session, and section 3, as enacted by senate bill no. 1041, ninety-first general assembly, second regular session relating to conveyance of property owned by the state.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 275** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
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Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Dougherty--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 385, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof one new section relating to approval of workers' compensation policies and deductible plans.

Was called from the Consent Calendar and taken up.

SCS for **SB 385**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 385

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation policies.

Was taken up.

Senator Scott moved that **SCS** for **SB 385** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 385** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Quick	Russell--3	

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 29**.

HOUSE CONCURRENT RESOLUTION NO. 29

WHEREAS, for more than a decade, the United States and other nations have pursued patient and honorable efforts to disarm the Iraqi regime without war; and

WHEREAS, on November 8, 2002, the United Nations Security Council approved Security Council Resolution 1441 under Chapter VII of the United Nations Charter by a vote of 15-0, giving Iraq "a final opportunity to comply with its disarmament obligations"; and

WHEREAS, on November 21, 2002, the North Atlantic Treaty Organization's North Atlantic Council unanimously approved a declaration stating, "We deplore Iraq's failure to comply fully with its obligations which were imposed as a necessary step to restore international peace and security and we recall that the Security Council has decided in its resolution to afford Iraq a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council."; and;

WHEREAS, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace; and

WHEREAS, Iraq is in material breach of United Nations Security Council resolutions, including United Nations Resolution 1441; and

WHEREAS, the clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies; and

WHEREAS, the United States of America has the sovereign authority to use force in assuring its own national security; and

WHEREAS, pursuant to United Nations Resolutions 678 and 687 the United States and our allies are authorized to use force in ridding Iraq of weapons of mass destruction; and

WHEREAS, the President of the United States declared on March 17, 2003, that the decades of deceit and cruelty have reached an end and that Saddam Hussein and his sons must leave Iraq within 48 hours; and

WHEREAS, Saddam Hussein and his sons remain in Iraq and have rejected the President's demand; and

WHEREAS, the security of the world requires disarming Saddam Hussein without delay:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby patriotically support the work to advance liberty and peace in the Iraqi region; and

BE IT FURTHER RESOLVED that the power and appeal of human liberty is felt in every life and every land, and the greatest power of freedom is to overcome hatred and violence, and turn the creative gifts of men and women to the pursuits of peace; and

BE IT FURTHER RESOLVED that free nations have a duty to defend their people by uniting against the violent and oppressive; and

BE IT FURTHER RESOLVED that we support our national leaders in bringing to justice Osama bin Laden and those responsible for terrorist attacks on United States soil and its citizens; and

BE IT FURTHER RESOLVED that now that the "moment of truth" is upon us, we, the members of the Missouri General Assembly, Ninety-second General Assembly, First Regular Session, express our strongest affirmation of support for the actions of the President and offer our unfettered dedication to all members of the United States' armed forces; and

BE IT FURTHER RESOLVED that we hereby call upon all state-wide elected officials to publicly stand by us in unity as brothers and sisters in freedom in support of our resolutions proclaimed herein by sending a letter of support to the President of the United States and the members of the Missouri Congressional delegation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President of the United States and the members of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 476, regarding Wes Davidson, Seymour, which was adopted.

Senator Bland offered Senate Resolution No. 477, regarding Reverend Delmar A. White, Kansas City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 478, regarding Blue Star Banner campaign, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 479, regarding Sixtieth Wedding Anniversary of Mr. and Mrs. William Phillips, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 480, regarding the One Hundredth Birthday of Rosemary Gabbert Musil, Louisiana, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Kinder, the President introduced to the Senate, Dean Sawyer and representatives of Farm Bureau Youth Leadership Day, Cape Girardeau County.

Senator Foster introduced to the Senate, Tyler Lewelling, Braggadocio.

Senator Scott introduced to the Senate, Sarah Lesmeister and Samantha Rohaus, Lakeland; Kyleigh Mitchell and Jessica Bristow, Appleton City; and Colleen Wisner, Osceola.

Senator Caskey introduced to the Senate, Gary and Kendra Tolle, and their son, Evan, Sarah Rapp, Adam Bettels, Mark Tenholder, and Casey Osborne, representing Farm Bureau Youth Leadership Day, Bates County.

Senator Klindt introduced to the Senate, Michelle Chadwick, Danny Clevenger, Mitch Riley, Justin Harlow, and Keith Sutton, representing Farm Bureau Youth Leadership Day, Daviess County.

Senator Mathewson introduced to the Senate, Kay Wehmeyer, Sarah Fischer and Candace Meyer, Sedalia; and Sarah and Candace were made honorary pages.

Senator Cauthorn introduced to the Senate, John Unterbink, Jennifer Tooley, and Jessica LeGrand, Madison; Kyle Mitchell, Holliday; Mark Street, Perry; and Jamie Ebbesmeyer, Paris; representing Farm Bureau Youth Leadership Day.

Senator Cauthorn introduced to the Senate, Myrna Wear, Bethany Meyer, and Teri Wear, Lewis County.

Senator Steelman introduced to the Senate, David Day, representing Farm Bureau Youth Leadership Day, Pulaski County.

Senator Klindt introduced to the Senate, Thomas and Daisy Workman, representing Farm Bureau Youth Leadership Day, Maryville.

Senator Scott introduced to the Senate, Jerry Swkouaty, Brittaney Shelenhamer, and Michael Jones, Bolivar; and Lauren Shuler and Mary Dawn Drake, Fair Play; representing Farm Bureau Youth Leadership Day.

Senator Scott introduced to the Senate, Don Schmied, Terri Winkler, Magan Wright, Sam Moore, Jeff Hardison, and Scott Perry, representing Farm Bureau Youth Leadership Day, Dallas County.

Senator Dolan introduced to the Senate, Ashley Norton, Megan Isom, Brianna Schuster, Jodi Hasekamp, Paula Huslage, and Kristen Burkemper, representing Farm Bureau Youth Leadership Day, Lincoln County.

Senator Kinder introduced to the Senate, fourteen students from Deer Creek Christian School, Cape Girardeau.

Senator Klindt introduced to the Senate, Marc Spunaugle and Kyle Flannery, Maysville; and Amy Bray, Weatherby; representing Farm Bureau Youth Leadership Day.

Senator Clemens introduced to the Senate, Buck West, Megan Mickelson, Holly Knapp, Jamie Lee West, Jason Sterling, Gary Letterman, and Rick Huffman, representing Farm Bureau Youth Leadership Day, Webster County.

Senator Mathewson introduced to the Senate, Carol Stundebek and representatives of Farm Bureau Youth Leadership Day, Chariton County; and Ashley Buffington, Jeff Parks, Natalie Reische, and Timmy Meissen were made honorary pages.

Senator Steelman introduced to the Senate, Casey Steinman, Heather Scott, Jesse Rollins, and Morgan Schiermier, representing Farm Bureau Youth Leadership Day, Maries County.

Senator Clemens introduced to the Senate, Tammy Lowery, Fair Grove; Heather Raines, and Lyndell Greer, Willard; Jason Ewing and Austin Thomas, Rogersville; and Erica Dean and Derek Golden, Ash Grove; representing Farm Bureau Youth Leadership Day.

Senator Griesheimer introduced to the Senate, Dennis and Dorothy Segelhorst, and six students representing Farm Bureau Youth Leadership Day, Franklin County.

Senator Klindt introduced to the Senate, Justine Finney, Natasha Harrington, Seth Fitzgerald, Leslie Ewigman, and Dana Lane, representing Farm Bureau Youth Leadership Day, Linn County.

Senator Cauthorn introduced to the Senate, Brenda Matheny, eighteen fourth grade students, and adults from Adair County R-I School, Novinger.

Senator Childers introduced to the Senate, Elizabeth Colley, Lindsey Lerchner, Emily Spellman, Jared Rolen, Foster Scott, Joe Elbert, and Boyd Arthur, representing Farm Bureau Youth Leadership Day, Lawrence County.

Senator Scott introduced to the Senate, Meagan Jones, Kristy Boehler, Tonya Combs, Kevin Goth, Andrea Braun, Patty Boehler, and Scott Largent, Clinton.

Senator Scott introduced to the Senate, Amanda Bowman and Jessica Brontley, El Dorado Springs; and Jennifer Reynolds and Ryan Porterfield, Stockton.

Senator Klindt introduced to the Senate, Laura Riddle, Marta Pope, Kim Pfeiffer, Carla Reed, Kevin Swearengen, Thomas Christen, and Matthew Carter, representing Farm Bureau Youth Leadership Day, Sullivan County.

Senator Klindt introduced to the Senate, Justin Skipper, Dustin Thompson, Trish Judy, and Audrey Vadnais, Chillicothe; and Kimberly Maberry, Matthew Assel, and Mat Wever, Ludlow, representing Farm Bureau Youth Leadership Day.

Senator Mathewson introduced to the Senate, Rich Cole and students from the Student Success Center, Higginsville; and La Donna Nichols, Crystal Covey, and Crystal Brown were made honorary pages.

Senator Caskey introduced to the Senate, Darlene Buckstead, Nick Leake, and Nicole Bell, representing Farm Bureau Youth Leadership Day, Johnson County.

Senator Kennedy introduced to the Senate, eighth grade students from Kingston K-14 School, Cadet.

Senator Cauthorn introduced to the Senate, Kathy Chinn, Clarence; Rachel Saunders and Mark O'Laughlin, Shelbyville; Jenny Prange, Shelbyville; and Rebekah Hawkins, Emden.

Senator Cauthorn introduced to the Senate, Hannah Glass and Mayle Martin, Sturgeon; and LaVerne Flatt, Centralia; representing Farm Bureau Youth Leadership Day.

Senator Cauthorn introduced to the Senate, Levi Converse, Nicki Deimeke, Keith Deimeke, Travis Dixon, Erin Mattingly, and Wesley Tiemann, representing Farm Bureau Youth Leadership Day, Laddonia.

Senator Gibbons introduced to the Senate, Becky Wooldridge and sixty-two fourth grade students from North Glendale Elementary School, Glendale.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Kirt Nichols, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, April 7, 2003.

SENATE CALENDAR

FORTY-EIGHTH DAY-MONDAY, APRIL 7, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 288

HB 91-Mayer

HCS for HB 273

HS for HCS for HB 156-Phillips

HCS for HB 600

HCS for HB 431

HB 375-Cooper (120)

HCS for HB 222

HS for HCS for HB 228-Pearce

HS for HB 197-Johnson (47)

HCS for HB 322

HCS for HB 427

HB 430-Stevenson, et al

HCS for HB 575

HB 599-Burnett, et al

HCS for HB 613

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 481-Dolan

(In Fiscal Oversight)

SS for SCS for SB 410-Shields

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 243-Yeckel

2. SBs 361, 103, 156 &

329-Steelman, with SCS

3. SB 28-Gross

4. SB 362-Steelman and Gross

5. SB 184-Bartle and Scott

6. SB 38-Klindt, et al, with SCS

7. SB 241-Yeckel, with SCS

8. SB 476-Jacob
9. SB 460-Loudon
10. SBs 381, 384, 432 & 9-Dolan, with SCS
11. SB 39-Cauthorn, et al, with SCA 1
12. SB 199-Childers, with SCS
13. SB 620-Loudon, et al, with SCS
14. SB 416-Yeckel, with SCS
15. SB 219-Steelman and Yeckel
16. SJR 13-Stoll
17. SB 555-Kinder and Foster, with SCS
18. SB 695-Goode and Russell
19. SB 693-Klindt, et al, with SCS
20. SB 12-Kinder and Scott
21. SBs 248, 100, 118, 233, 247, 341 & 420-Gross, et al, with SCS
22. SB 27-Gibbons, with SCS
23. SB 209-Steelman, et al, with SCS
24. SB 685-Gibbons, et al, with SCS
25. SB 455-Dougherty and Shields
26. SBs 343, 89, 134, 171,

240, 261, 331, 368, 369,

419, 484 & 581-Dolan,

with SCS

27. SB 446-Bartle, with SCS

28. SB 242-Yeckel, with SCA 1

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

(In Fiscal Oversight)

HS for HCS for HB 321-

Wilson (130) (In Fiscal Oversight)

HCS for HBs 122 & 80

(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Russell, with SCS,

SS for SCS & SS#2 for

SS for SCS (pending)

SB 5-Caskey, with SCS

SB 18-Yeckel and Cauthorn,

with SCS & SS for SCS

(pending)

SB 24-Steelmann, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 69-Yeckel and Nodler,

with SCS (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS (pending)

SB 217-Champion and

Clemens, with SS (pending)

SB 253-Steelmann, et al,

with SCS, SS for SCS &

SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelmann,

with SS & point of order

(pending)

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS,

SS for SCS & SA 2

(pending)

SB 450-Mathewson, et al, with SCS,

SS for SCS & SA 2 (pending)

SBs 556 & 311-Kinder, et al, with

SCS, SS for SCS, SS for SS for

SCS & SA 2 (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 221, with SCS

(Yeckel)

HB 412-Goodman, et al

(Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/4

SB 468-Bartle

Reported 3/13

SB 159-Bland, with SCS

(In Fiscal Oversight)

SB 694-Klindt

SB 490-Dolan

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 7-Gross, et al, with SCA 1

SCR 13-Nodler and Gibbons, with SCS

SCR 2-Bland

SCR 5-Cauthorn, et al

Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY--MONDAY, APRIL 7, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"The fear of the Lord is the beginning of Wisdom." (Psalm 111:10)

Your Word alone imparts true wisdom, O Lord, and we here find ourselves in need of wisdom as we struggle with the various needs that challenge us. Grant us an informed mind and a purified heart so we may follow Your directing. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 3, 2003, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 481, regarding the One Hundred Fourth Birthday of Hinda Wood, Brookfield, which was adopted.

Senator Klindt offered Senate Resolution No. 482, regarding Lauren Kling, Cameron, which was adopted.

Senator Klindt offered Senate Resolution No. 483, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Bradley, Gallatin, which was adopted.

Senator Klindt offered Senate Resolution No. 484, regarding the Sullivan County Memorial Hospital, Milan, which

was adopted.

Senator Klindt offered Senate Resolution No. 485, regarding Sally Frede, Mound City, which was adopted.

Senator Klindt offered Senate Resolution No. 486, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Tipton, Wheeling, which was adopted.

Senator Klindt offered Senate Resolution No. 487, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Drexel Riley, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 488, regarding Father Robert Crider, Plattsburg, which was adopted.

Senator Klindt offered Senate Resolution No. 489, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Sticken, Savannah, which was adopted.

Senator Klindt offered Senate Resolution No. 490, regarding Brian Untiedt, Stanberry, which was adopted.

Senator Cauthorn offered Senate Resolution No. 491, regarding the Eightieth Birthday of Philip Kueckelhan, Fayette, which was adopted.

Senator Shields offered Senate Resolution No. 492, regarding Thomas Watson "Tom" Brandt, Overland Park, Kansas, which was adopted.

Senator Kinder offered Senate Resolution No. 493, regarding John Moten, Jr., St. Louis, which was adopted.

Senator Quick offered Senate Resolution No. 494, regarding Richard Bryan Long, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 495, regarding Joshua Michael Long, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 496, regarding John Cleary, Farley, which was adopted.

Senator Shields offered Senate Resolution No. 497, regarding Brent Dunkel, Weston, which was adopted.

Senator Shields offered Senate Resolution No. 498, regarding Andrew Fisher, Weston, which was adopted.

Senator Kinder offered Senate Resolution No. 499, regarding Organ and Tissue Donor Day at the Capitol, which was adopted.

Senator Nodler offered Senate Resolution No. 500, regarding Natasha Figueroa, Joplin, which was adopted.

Senator Champion offered Senate Resolution No. 501, regarding Bob Chancellor, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 502, regarding Teri Hacker, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 503, regarding DairiConcepts, Incorporated, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 504, regarding Tyler Robert Montileone, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 505, regarding Geoffrey Michael Peterson, Springfield, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted

the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 166**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 181**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 277**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 278**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 292**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 358**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 133**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 99**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 521** begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 314**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 33**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 33** was again taken up.

Senator Bartle assumed the Chair.

Senator Shields assumed the Chair.

At the request of Senator Loudon, **SB 33**, with **SS** (pending), was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Gross moved that **SCR 7**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SS** for **SCR 7**:

SENATE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, the State of Missouri is currently facing a budget crisis and has limited resources for state spending; and

WHEREAS, the General Assembly is a co-equal branch of state government and is responsible for the appropriation of state funds for various governmental entities; and

WHEREAS, the public expects and requires the General Assembly to ensure that state resources are being used as efficiently and effectively as possible; and

WHEREAS, the General Assembly is responsible for the appropriation of funds to support the operation of the forty-five judicial circuits of this state; and

WHEREAS, the General Assembly has a duty to ensure that funds appropriated to the forty-five judicial circuits are being used efficiently and effectively:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Judicial Resources in Missouri; and

BE IT FURTHER RESOLVED that the Committee shall be composed of two majority members and one minority member of the Senate, to be appointed by the President Pro Tem of the Senate; two majority members and one minority member of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and one appellate judge, one circuit judge, and one associate circuit judge, to be appointed by the chief justice of the supreme court; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the activities of the state's forty-five judicial circuits, including an examination of the caseload of each circuit judge, associate circuit judge, and any commissioner of the circuit, examine any other issues that the committee deems relevant, and make any recommendations for improving the efficiency and effectiveness of the judicial circuits; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations from the Office of State Courts Administrator, any judicial circuit within the state and the Missouri Bar; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 1, 2004, and the authority of such Committee shall terminate on December 31, 2003; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, the office of the State Courts Administrator, each judicial circuit in the state, and the Missouri Bar Association.

Senator Gross moved that **SS** for **SCR 7** be adopted.

Senator Gross offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Concurrent Resolution No. 7, Page 3, Line 6, by striking the comma "," immediately after the word "administrator" and insert in lieu thereof the following: "**which office shall supply a copy to**".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SS** for **SCR 7**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCR 7**, as amended by the **SS**, was adopted by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Days	Dolan
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		

NAYS--Senators

Bland	Bray	Coleman	Dougherty
Jacob	Quick--6		

Absent--Senator Scott--1

Absent with leave--Senator DePasco--1

Senator Nodler moved that **SCR 13**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 13** was taken up.

Senator Nodler moved that **SCS** for **SCR 13** be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Nodler moved that the vote by which **SCS** for **SCR 13** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland	Dolan	Mathewson	Quick--4
Absent with leave--Senator DePasco--1			

SCS for **SCR 13** was again taken up.

At the request of Senator Nodler, the motion to adopt **SCS** for **SCR 13** was withdrawn, which placed the concurrent resolution back on the Calendar.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 69**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 69** was again taken up.

Senator Yeckel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 69, Page 1, Section 620.050, Line 4, by striking said line and inserting in lieu thereof the following: "**requirement imposed upon small business through**"; and

Further amend said bill and section, Page 2, Line 16, by inserting after the word "The" as it appears first on said line the following: "**type of**".

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 69, Page 5, Section 620.056, Line 62, by inserting after the end of said line the following:

"10. The board shall not have authority to:

- (1) Interfere with, modify, prevent or delay an agency or administrative enforcement action;**
- (2) Intervene in legal actions involving small business and an agency;**

(3) Subpoena witnesses to testify, or to produce documents, in hearings conducted by the board; or

(4) Unduly burden the efforts of an agency to promulgate and enact rules and regulations."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 69, Page 8, Section 620.062, Line 17, by inserting after the end of said line the following:

"(3) The small business which committed or allowed the violation has had an administrative penalty or fine previously waived, or previously reduced by more than ten percent, pursuant to subsection 1 of this section;

(4) The violation results in an injury in fact, including but not limited to, an injury to air, water, or ground;

(5) The violation is deemed by the agency to be egregious;"; and in addition thereto, to amend the subsequent subdivision numbers accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 3** was withdrawn.

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 69, Page 4, Section 620.056, Line 26, by inserting after the end of said line the following:

"(3) One member who is the chair of the minority business advocacy commission;"; and, in addition thereto, to amend the subsequent subdivision numbers accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 69, Page 8, Section 620.062, Line 17, by inserting after the end of said line the following:

"(3) The small business which committed or allowed the violation has had an administrative penalty or fine previously waived, or previously reduced by more than ten percent, pursuant to subsection 1 of this section;

(4) The violation results in an injury in fact, including but not limited to, an injury to air, water, or ground;

(5) The violation is deemed by the agency to be egregious;"; and in addition thereto, to amend the subsequent subdivision numbers accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SCS** for **SB 69**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SB 69**, as amended, was declared perfected and ordered printed.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 554**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Shields assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 125** and **SB 290**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 125** and **290**, as amended, was again taken up.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 5, Section 393.1006, Line 60, by striking "least amount of pretax revenue among" and inserting in lieu thereof the following: "**average weighted cost of capital based upon**"; and

Further amend said bill and section, page 6, line 88, by inserting immediately after the word "rates" the following: "**subject to subsections 8 and 9 of this section**"; and further amend line 90, by inserting immediately after the word "rates" the following: "**subject to subsections 8 and 9 of this section**"; and

Further amend said bill, page 8, Section 393.1012, line 7, by inserting immediately after the word "replacements." the following: "**The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues below the lesser of one million dollars or one-half of one percent of the gas corporation's base revenue level approved by the commission in the gas corporation's most recent general rate proceeding.**"; and

Further amend said bill, page 11, Section 393.1015, lines 57-58, by striking "least amount of pretax revenue among" and inserting in lieu thereof the following: "**average weighted cost of capital based upon**"; and further amend line 85, by inserting immediately after the word "rates" the following: "**subject to subsections 8 and 9 of this section**"; and further amend line 87, by inserting immediately after the word "rates" the following: "**subject to subsections 8 and 9 of this section**"; and

Further amend said bill, page 13, Section 393.1018, line 12, by inserting immediately after the word "agency," the following: "**the department of natural resources,**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"393.310. 1. This section shall only apply to gas corporations as defined in section 386.020, RSMo. This section shall

not affect any existing laws and shall only apply to the program established pursuant to this section.

2. As used in this section, the following terms mean:

(1) "Aggregate", the combination of natural gas supply and transportation services, including storage, requirements of eligible school entities served through a Missouri gas corporation's delivery system;

(2) "Commission", the Missouri public service commission; and

(3) "Eligible school entity" shall include any seven-director, urban or metropolitan school district as defined pursuant to section 160.011, RSMo, and shall also include, one year after July 11, 2002, and thereafter, any school for elementary or secondary education situated in this state, whether a charter, private, or parochial school or school district.

3. Each Missouri gas corporation shall file with the commission, by August 1, 2002, a set of experimental tariffs applicable the first year to public school districts and applicable to all school districts, whether charter, private, public, or parochial, thereafter.

4. The tariffs required pursuant to subsection 3 of this section shall, at a minimum:

(1) Provide for the aggregate purchasing of natural gas supplies and pipeline transportation services on behalf of eligible school entities in accordance with aggregate purchasing contracts negotiated by and through a not-for-profit school association;

(2) Provide for the resale of such natural gas supplies, including related transportation service costs, to the eligible school entities at the gas corporation's cost of purchasing of such gas supplies and transportation, plus all applicable distribution costs, plus an aggregation and balancing fee to be determined by the commission, not to exceed four-tenths of one cent per therm delivered during the first year; and

(3) Not require telemetry or special metering, except for individual school meters over one hundred thousand therms annually.

5. The commission may suspend the tariff as required pursuant to subsection 3 of this section for a period ending no later than November 1, 2002, and shall approve such tariffs upon finding that implementation of the aggregation program set forth in such tariffs will not have any negative financial impact on the gas corporation, its other customers or local taxing authorities, and that the aggregation charge is sufficient to generate revenue at least equal to all incremental costs caused by the experimental aggregation program. **Except as may be mutually agreed by the gas corporation and eligible school entities and approved by the commission, such tariffs shall not require eligible school entities to be responsible for pipeline capacity charges for longer than is required by the gas corporation's tariff for large industrial or commercial customers.**

6. The commission **shall treat the gas corporation's pipeline capacity costs for associated eligible school entities in the same manner as for large industrial or commercial customers, which shall not be considered a negative financial impact on the gas corporation, its other customers, or local taxing authorities, and the commission** may adopt by order such other procedures not inconsistent with this section which the commission determines are reasonable or necessary to administer the experimental program.

7. This section shall terminate June 30, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 12, Section 393.1015, Line 108, by inserting after all of said line the following:

"9. Nothing in this section shall be construed as limiting the authority of the commission to review and consider infrastructure system replacement costs along with other costs during any general rate proceeding of any gas corporation."; and further amend by renumbering the remaining subsections accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 14, Section 393.1018, Lines 40-42, by striking all of said lines and inserting in lieu thereof the following: **"or is the subject of a new general rate proceeding."**

Senator Kennedy moved that the above amendment be adopted.

At the request of Senator Goode, **SB 125** and **SB 290**, with **SCS** and **SA 6** (pending), were placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Nodler moved that **SCR 13**, with **SCS** (pending), be taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SCR 13** was again taken up.

Senator Nodler moved that **SCS** for **SCR 13** be adopted.

Senator Nodler offered **SS** for **SCS** for **SCR 13**:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 13

Establishing a Subcommittee on Competition and Privatization within the Joint Committee on Legislative Research.

WHEREAS, the current budgetary situation has brought about a heightened necessity to re-examine the state's expenditures; and

WHEREAS, the state performs many functions which are similarly performed by private industry; and

WHEREAS, certain aspects of state administration and services may be more efficiently served by private involvement; and

WHEREAS, the Joint Committee on Legislative Research is established pursuant to the Constitution to carry out the duties assigned to it by law:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, that we hereby create a Subcommittee on Competition and Privatization within the Joint Committee on Legislative Research; and

BE IT FURTHER RESOLVED, the subcommittee shall identify ways to reduce cost to state government and increase quality of state services to the citizens of this state; and

BE IT FURTHER RESOLVED, the subcommittee shall perform both a competition review and privatization review and make recommendations based on its findings; and

BE IT FURTHER RESOLVED that the Subcommittee herein established shall consist of sixteen members of which four shall be members of the Senate appointed by the President Pro Tem of the Senate of which at least two shall be members of the minority party, four shall be members of the House of Representatives appointed by the Speaker of the House of Representatives of which at least two shall be members of the minority party, four shall be representatives of private businesses appointed by the President Pro Tem of the Senate of which at least two shall be members of the minority party, four shall be representatives of private business appointed by the Speaker of the House of Representatives of which at least two shall be members of the minority party, and the President Pro Tem of the Senate and the Speaker of the House of Representatives shall collaborate to ensure that the membership of the Subcommittee reflects adequate minority and gender representation; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research shall provide the necessary staff resources for the Subcommittee from its own staff, although it may choose to call upon the additional resources of the Senate and House Research offices; and

BE IT FURTHER RESOLVED that the subcommittee is authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective provided herein; and

BE IT FURTHER RESOLVED that within funds available to the committee, it may employ necessary consulting services to assist in its objectives and provide for reasonable reimbursement of non-legislative members of the committee; and

BE IT FURTHER RESOLVED that the subcommittee shall hold its initial meeting no later than the first Friday after the start of the first September Veto Session of the Ninety-second General Assembly and shall meet at least quarterly thereafter; and

BE IT FURTHER RESOLVED that the subcommittee must deliver its first report to the Governor, General Assembly, the state Auditor, and the Joint Committee on Legislative Research with its findings and recommendations by January 15, 2004 and a second report to the same by December 31, 2004; and

BE IT FURTHER RESOLVED that the subcommittee shall expire at the end of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Joint Committee on Legislative Research.

Senator Nodler moved that **SS** for **SCS** for **SCR 13** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **SCR 13** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Quick Russell--2

Absent with leave--Senators

DePasco Dougherty--2

The President declared the concurrent resolution passed.

On motion of Senator Nodler, title to the concurrent resolution was agreed to.

Senator Nodler moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 2** for **SCS** for **SB 481**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 1, In the Title, Line 4, by inserting after "transportation" the following: ", with an effective date for a certain section"; and

Further amend said bill, Page 12, Section 2, Line 4, by inserting after all of said line the following:

"Section B. The repeal and reenactment of section 144.062 shall become effective July 1, 2005."

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 288**--Education.

HB 91--Pensions and General Laws.

HCS for **HB 273**--Judiciary and Civil and Criminal Jurisprudence.

HS for **HCS** for **HB 156**--Aging, Families, Mental and Public Health.

HCS for **HB 600**--Ways and Means.

HCS for **HB 431**--Pensions and General Laws.

HB 375--Economic Development, Tourism and Local Government.

HCS for **HB 222**--Economic Development, Tourism and Local Government.

HS for **HCS** for **HB 228**--Commerce and the Environment.

HS for **HB 197**--Economic Development, Tourism and Local Government.

HCS for **HB 322**--Small Business, Insurance and Industrial Relations.

HCS for **HB 427**--Judiciary and Civil and Criminal Jurisprudence.

HB 430--Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 575**--Aging, Families, Mental and Public Health.

HB 599--Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 613**--Judiciary and Civil and Criminal Jurisprudence.

RE-REFERRALS

President Pro Tem Kinder re-referred **HB 464** to the Committee on Agriculture, Conservation, Parks and Natural Resources.

President Pro Tem Kinder re-referred **SB 652** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Andres Marin Dominguez, Democrat, 1313 Northeast 74th Terrace, Gladstone, Clay County, Missouri 64118, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Mark Kenney, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Timothy J. Fete, 1045 Stone Spring Court, Eureka, St. Louis County, Missouri 63025, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rita B. Hanks, Democrat, 215 North Bridge, Smithville, Clay County, Missouri 64089, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lydia C. Hurst, Republican, 18741 State Highway O, Tarkio, Atchison County, Missouri 64491, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Janet Marriott, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James Adam Marchack, Republican, 1651 Garden Valley Drive, Wildwood, St. Louis County, Missouri 63038, as a member of the Elevator Safety Board, for a term ending June 6, 2006, and until his successor is duly appointed and qualified; vice, Joseph L. Stabler, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mike Morado, Sr., P.O. Box 140161, Kansas City, Jackson County, Missouri 64114, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William B. Siebenborn, Democrat, 661 Northeast 45th Street, Trenton, Grundy County, Missouri 64683, as a member of the State Milk Board, for a term ending September 28, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Catheryn M. Smith, 1501 Felder Street, Trenton, Grundy County, Missouri 64683, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, William Prince, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kevin W. Snedden, 16311 Ox Bow Drive, Kearney, Clay County, Missouri 64060, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rebecca S. Stith, Democrat, 37 Aberdeen Place, Clayton, St. Louis County, Missouri 63105, as a member of the Public Defender Commission, for a term ending December 30, 2007, and until her successor is duly appointed and qualified; vice, Burton Shostak, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary E. Updyke, Republican, Rural Route 1, Box 224, Kirksville, Adair County, Missouri 63501, as a member of the State Board of Senior Services, for a term ending August 30, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 517, 94, 149, 150** and **342**, entitled:

An Act to repeal section 208.565, RSMo, and to enact in lieu thereof two new sections relating to stabilization of income for the elderly, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 380**, entitled:

An Act to repeal sections 409.101, 409.102, 409.201, 409.202, 409.203, 409.204, 409.301, 409.302, 409.303, 409.304, 409.305, 409.306, 409.307, 409.401, 409.402, 409.403, 409.404, 409.405, 409.406, 409.407, 409.408, 409.409, 409.410, 409.411, 409.412, 409.413, 409.414, 409.415, 409.416, 409.418, 409.420, and 409.421, RSMo, and to enact in lieu thereof fifty-three new sections relating to securities regulation, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 267**, entitled:

An Act to repeal sections 49.079, 49.091, 49.095, 49.170, 49.266, 49.267, 49.268, 49.269, 49.273, 49.276, 49.278, 67.1775, and 137.082, RSMo, and to enact in lieu thereof seven new sections relating to county commissions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 182**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state grass.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 346** and **174**, entitled:

An Act to repeal sections 105.269, 169.030, 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, and 169.670, RSMo, and to enact in lieu thereof fifteen new sections relating to the public school retirement system, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 668**, entitled:

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof twelve new sections relating to the transportation accountability act, with an expiration date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 506, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Main, Bucklin, which was adopted.

Senator Bartle offered Senate Resolution No. 507, regarding the Farmers Insurance Company, which was adopted.

Senator Bartle offered Senate Resolution No. 508, regarding the death of Honorable James A. Hofman, Weldon Spring, which was adopted.

Senator Steelman offered Senate Resolution No. 509, regarding Johanna Haas, Middletown, which was adopted.

Senator Klindt offered Senate Resolution No. 510, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eddie Young, Mound City, which was adopted.

Senator Dolan offered Senate Resolution No. 511, regarding David M. Doherty, St. Peters, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

April 7, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Senate Appointment to the Commission for the Missouri Senior Rx Program

Dear Terry:

Pursuant to Section 208.553(2), passed during the 2001 Special Session, I am appointing Senator Bill Foster to the Commission for the Missouri Senior Rx Program to replace Senator Marvin Singleton.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, Heather Muessing, and thirty-four fourth grade students and parents from Mark Twain Elementary School, St. Louis.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-NINTH DAY-TUESDAY, APRIL 8, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 517, 94,

149, 150 & 342-Portwood

HCS for HB 380

HS for HB 267-Smith (118)

HB 182-May

HCS for HBs 346 & 174

HS for HB 668-Crawford

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 481,

with SCA 1-Dolan

SS for SCS for SB 410-Shields

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 243-Yeckel

2. SBs 361, 103, 156 &

329-Steelman, with SCS

3. SB 28-Gross

4. SB 362-Steelman and Gross

5. SB 184-Bartle and Scott

6. SB 38-Klindt, et al, with SCS

7. SB 241-Yeckel, with SCS
8. SB 476-Jacob
9. SB 460-Loudon
10. SBs 381, 384, 432 & 9-Dolan,
with SCS
11. SB 39-Cauthorn, et al,
with SCA 1
12. SB 199-Childers, with SCS
13. SB 620-Loudon, et al, with SCS
14. SB 416-Yeckel, with SCS
15. SB 219-Steelman and Yeckel
16. SJR 13-Stoll
17. SB 555-Kinder and Foster,
with SCS
18. SB 695-Goode and Russell
19. SB 693-Klindt, et al, with SCS
20. SB 12-Kinder and Scott
21. SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al,
with SCS
22. SB 27-Gibbons, with SCS
23. SB 209-Steelman, et al,
with SCS
24. SB 685-Gibbons, et al,
with SCS
25. SB 455-Dougherty and Shields
26. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS

27. SB 446-Bartle, with SCS

28. SB 242-Yeckel, with SCA 1

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

(In Fiscal Oversight)

HS for HCS for HB 321-

Wilson (130) (Loudon)

(In Fiscal Oversight)

HCS for HBs 122 & 80

(Bland)

(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Russell, with SCS, SS for

SCS & SS#2 for SS for SCS

(pending)

SB 5-Caskey, with SCS

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)
SB 51-Shields, with SS,
SS for SS & SA 1 (pending)
SB 112-Loudon, with SCS
SBs 125 & 290-Goode, with
SCS & SA 6 (pending)
SB 217-Champion and
Clemens, with SS (pending)

SB 253-Steelman, et al, with
SCS, SS for SCS & SA 1
(pending)

SB 300-Cauthorn, et al, with SCS
SB 305-Jacob and Steelman, with
SS & point of order (pending)

SB 347-Loudon, et al, with SCS
SB 436-Klindt, with SCS,
SS for SCS & SA 2 (pending)

SB 450-Mathewson, et al, with
SCS, SS for SCS & SA 2
(pending)

SBs 556 & 311-Kinder, et al, with
SCS, SS for SCS, SS for SS for
SCS & SA 2 (pending)

HCS for HB 221, with SCS
(Yeckel)

HB 412-Goodman, et al
(Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/4

SB 468-Bartle

Reported 3/13

SB 159-Bland, with SCS
(In Fiscal Oversight)

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166

HCS for HB 181

HCS for HB 277

HB 278-Davis (19) and Parker

HB 292-Wagner

HB 358-Boykins

HCS for HB 133

HB 99-Seigfreid

HB 521-Dethrow, et al, with SCS

HB 314-Engler

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS,
SS for SCS & SA 1 (pending)

SCR 2-Bland

SCR 5-Cauthorn, et al

Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY--TUESDAY, APRIL 8, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Word was unto me the joy and rejoicing of mine heart." (Jeremiah 15:16)

Gracious God, let us always show the joy of our hearts in the joy of our lives. May we be a witness to this inner joy to those who are in need of such in their lives. May we help those whose lives are spoiled by serious illness and those who see death. May we bring comfort and Your presence to them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and Cor Productions were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 512, regarding James R. Ritter, Columbia, which was adopted.

Senator Jacob offered Senate Resolution No. 513, regarding the Columbia Online Information Network (COIN), which was adopted.

Senator Bray offered Senate Resolution No. 514, regarding the Woman's Place, Maplewood, which was adopted.

Senator Clemens offered Senate Resolution No. 515, regarding Sharon M. Smith, California, which was adopted.

Senator Loudon offered Senate Resolution No. 516, regarding Reverend Dr. Robert F. Curtis, St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 517, regarding Mona M. Kalayeh, which was adopted.

Senators Dolan and Gross offered Senate Resolution No. 518, regarding McEagle Development, O'Fallon, which was adopted.

Senators Dolan and Gross offered Senate Resolution No. 519, regarding Allen Martin Bacher, O'Fallon, which was adopted.

Senators Dolan and Gross offered Senate Resolution No. 520, regarding Kevin F. Kast, O'Fallon, which was adopted.

Senators Dolan and Gross offered Senate Resolution No. 521, regarding O'Fallon Brewery, O'Fallon, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 3**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 6**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 556** and **SB 311**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 2** (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

President Maxwell assumed the Chair.

A quorum was established by the following vote:

Present--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy

Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Shields	Steelman
Vogel	Wheeler	Yeckel--27	
	Absent--Senators		
Bland	Dougherty	Jacob	Quick
Scott	Stoll--6		
	Absent with leave--Senator DePasco--1		

Senator Griesheimer offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Pages 14-19, Section 198.067, by striking all of said section and inserting in lieu thereof the following:

"198.067. 1. An action may be brought by the department, or by the attorney general on his or her own volition or at the request of the department or any other appropriate state agency, to temporarily or permanently enjoin or restrain any violation of sections 198.003 to 198.096, to enjoin the acceptance of new residents until substantial compliance with sections 198.003 to 198.096 is achieved, or to enjoin any specific action or practice of the facility. Any action brought pursuant to the provisions of this section shall be placed at the head of the docket by the court, and the court shall hold a hearing on any action brought pursuant to the provisions of this section no less than fifteen days after the filing of the action.

2. The department may bring an action in circuit court to recover a civil penalty against the licensed operator of the facility as provided by this section. Such action shall be brought in the circuit court for the county in which the facility is located. The circuit court shall determine the amount of penalty to be assessed within the limits set out in this section. Appeals may be taken from the judgment of the circuit court as in other civil cases.

3. The operator of any facility which has been cited with a violation of sections 198.003 to 198.096 or the regulations established pursuant thereto, or of subsection (b), (c), or (d) of Section 1396r of Title 42 of the United States Code or the regulations established pursuant thereto, is liable to the state for civil penalties of up to [ten] **twenty-five** thousand dollars for each day that the violations existed or continue to exist. Violations shall be presumed to continue to exist from the time they are found until the time the [division of aging] **department of health and senior services** finds them to have been corrected. **When applicable**, the amount of the penalty shall be determined as follows:

(1) For each violation of a class I standard **when applicable pursuant to subdivision (6) of this subsection**, not less than one [hundred fifty] **thousand** dollars nor more than [one] **ten** thousand dollars;

(2) For each violation of a class II standard, not less than **two hundred** fifty dollars nor more than [five hundred] **one thousand** dollars;

(3) For each violation of a class III standard, not less than [fifteen dollars] **fifty dollars** nor more than [one] **two** hundred fifty dollars;

(4) For each violation of a federal standard which does not also constitute a violation of a state law or regulation, not less than two hundred fifty dollars nor more than five hundred dollars;

(5) For each specific class I violation by the same operator **at a particular facility** which has been cited **previously** within the past twenty-four months and for each specific class II or III violation by the same operator **at a particular facility** which has been cited **previously** within the past twelve months, double the amount last imposed;

(6) In accordance with the provisions of this section, when the department imposes a civil monetary penalty for

a class I violation, the liability for the civil monetary penalty shall be incurred immediately upon the imposition of the violation regardless of any subsequent correction of the violation by the facility. For class II violations the department shall impose a civil monetary penalty if after thirty days the violation remains uncorrected. For class III violations the department shall impose a civil monetary penalty if a breach of a specific state or federal standard or statute remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code. A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.

[As used in this subdivision the term "violation" shall mean a breach of a specific state or federal standard or statute which remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code. A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.]

4. Any individual who willfully and knowingly certifies pursuant to subsection (b)(3)(B)(i) of Section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than one thousand dollars with respect to each assessment. Any individual who willfully and knowingly causes another individual to certify pursuant to subsection (b)(3)(B)(i) of Section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than five thousand dollars with respect to each assessment.

5. The imposition of any remedy provided for in sections 198.003 to 198.186 shall not bar the imposition of any other remedy.

6. Twenty-five percent of the penalties collected pursuant to this section shall be deposited in the [division of aging] elderly home-delivered meals trust fund as established in section 660.078, RSMo. Twenty-five percent of the penalties collected pursuant to this section shall be deposited in the nursing facility quality care fund to be used for the sole purpose of supporting quality care improvement projects within the office of state ombudsman for long-term care facility residents, established pursuant to section 660.603, RSMo. The remaining fifty percent of the penalties collected pursuant to this section shall be deposited into the nursing facility quality of care fund established in section 198.418 to be used by the department for the sole purpose of developing a program to assist qualified nursing facilities to improve the quality of service to their residents. The director of the department shall, by rule, develop a definition of qualified facilities and shall establish procedures for the selection of qualified facilities. Such penalties shall not be considered a charitable contribution for tax purposes.

7. To recover any civil penalty, the moving party shall prove by clear and convincing evidence that the violation occurred.

8. The licensed operator of a facility against whom an action to recover a civil penalty is brought pursuant to this section may confess judgment as provided in section 511.070, RSMo, at any time prior to hearing. If such licensed operator agrees to confess judgment, the amount of the civil penalty recommended by the moving party in its petition shall be reduced by twenty-five percent and the confessed judgment shall be entered by the circuit court at the reduced amount.

9. The amount of any civil penalty assessed by the circuit court pursuant to this section shall be reduced by the amount of any civil monetary penalty which the licensed operator of the facility may establish it has paid pursuant to the laws of the United States for the breach of the same federal standards for which the state action is brought.

10. In addition to the civil penalties specified in subdivision (1) of subsection 3 of this section, any facility which is cited with a violation of a class I standard pursuant to subsection 1 of section 198.085, when such violation results in serious physical injury or abuse of a sexual nature pursuant to subdivision (1) of section 198.006, to any resident of that facility shall be liable to the state for a civil penalty of one hundred dollars multiplied by the number of beds licensed to the facility, up to a maximum of ten thousand dollars pursuant to subsections 1 and 2 of this section. The liability of the facility for civil penalties pursuant to this section shall be incurred immediately upon the citation of the

violation and shall not be affected by any subsequent correction of the violation. For the purposes of this section, "serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

11. The department shall not impose a fine for self-reporting class II and class III violations so long as each violation is corrected within a specified period of time as determined by the department and there is no reoccurrence of the particular violation for twelve months following the date of the first self-reporting.

12. If a facility is sold or changes its operator, any civil penalty assessed shall not be sold, transferred, or otherwise assigned to the successor operator but shall remain the sole liability of the operator at the time of the violation."

Senator Griesheimer moved that the above substitute amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Bray, Days, Kinder and Mathewson.

SSA 1 for **SA 2** was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Champion
Childers	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
NAYS--Senators			
Cauthorn	Clemens	Dolan	Klindt--4
Absent--Senators			
Bland		Coleman--2	
Absent with leave--Senator DePasco--1			

At the request of Senator Kinder, **SB 556** and **SB 311**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 69**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

RESOLUTIONS

Senators Mathewson and Vogel offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 522

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to acknowledge a momentous milestone in the life of one of Cole County's most treasured senior citizens; and

WHEREAS, Willard W. May, a cherished resident of Jefferson City, Missouri, will commemorate the resplendent occasion of his Ninetieth Birthday with a festive celebration to be held April 12, 2003; and

WHEREAS, Willard May came into this world in Huntsville on April 11, 1913, as the tiny infant son born to proud and loving parents John R. and Sallie R. May, who welcomed him into their hearts as a precious gift from God; and

WHEREAS, the youngest child of his father's second family, Willard May fought wildfires and built levies with the Civilian Conservation Corps in 1933 before dutifully serving his country in the United States Navy for nearly four years, attaining the rank of Chief Petty Officer; and

WHEREAS, on January 18, 1948, Willard May embarked upon a new and exciting chapter in his life when he married his beloved Margaret "Tootie" Lay, a kind and caring woman with whom he enjoyed a thirty-two-year union until her departure from this world in 1980; and

WHEREAS, on July 24, 1953, they welcomed their only child, Margaret Lynn; and

WHEREAS, Willard May was initiated into the Huntsville Masonic Lodge in March 1949, became a Master Mason in May 1949, achieved 32nd degree Mason status with the Columbia Valley Scottish Rite on August 22, 1979, became a Shriner on September 22, 1979, and joined the York Rite in Jefferson City in April 1983; and

WHEREAS, Willard May performed a variety of duties as a member of the Fraternal Order of Eagles in Jefferson City, such as serving coffee and tea, and flouring chickens; and

WHEREAS, Willard May took up the sport of bowling at age seventy and, though no longer participates, still makes a daily trip to West Gate Lanes; and

WHEREAS, Willard May served as Assistant Doorkeeper for the Missouri State Senate from November 1983 until his retirement in January 1993; and

WHEREAS, Willard May is a devout member of Community Christian Church and continues to live in the same home he and his family purchased in 1964;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, unanimously join in extending our most hearty congratulations and birthday greetings to Willard May as he proudly celebrates ninety years of achievement, and in wishing him tremendous peace, prosperity, and contentment as he continues his journey along life's path; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Willard W. May, as a mark of our esteem for him.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 556** and **SB 311**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SS** for **SCS** for **SBs 556** and **311**, as amended, was again taken up.

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 12, Section 198.036, Line 13, by deleting the phrase "after adequate and proper notice".

Senator Bray moved that the above amendment be adopted.

Senator Dougherty offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 12, Section 198.036, Line 13, by deleting the phrase "after adequate and proper notice refused to allow" and inserting in lieu thereof the word "denied".

Senator Dougherty moved that the above substitute amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 26, Section 198.093, Lines 8-15, by deleting after the "period" on line 8 all of said lines.

Senator Dougherty moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Section 198.093, Pages 25-27, by striking said section; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 70, Section 660.321, Line 3, by inserting after all of said line the following:

"Section 1. Any person, including but not limited to an elderly, handicapped, physically or mentally infirm, or disabled person, who suffers death, bodily injury or other damages due to the negligent act or omission of an entity licensed pursuant to chapter 197 or chapter 198, RSMo, or due to the negligent act or omission of the owner or an employee of any such entity, may file a civil action for damages against such entity, owner, employee and such other tortfeasors as may be allowed by law. In the event a person prevails in such action, such person shall be entitled to an award of compensatory damages which represents the full extent of the economic damages and noneconomic damages suffered by such person as a result of such negligence, notwithstanding any other provision of law which purports to impose a limitation or restriction on the amount of such award."; and

Further by amending the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dolan, Days, Bray and Kinder.

SA 5 failed of adoption by the following vote:

YEAS--Senators			
Bray	Caskey	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Quick	Stoll	Wheeler--11	
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Yeckel--20
Absent--Senators			
Bland	Vogel--2		
Absent with leave--Senator DePasco--1			

Senator Dolan offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 12, Section 198.036, Line 16, by inserting after the word "thereunder" the following: **"except where employees of the facility are in the process of rendering immediate care to a resident of said facility"**.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 32, Section 198.532, Line 17 of said page, by inserting after all of said line the following:

"198.600. 1. The department of health and senior services, shall establish a "Uniform Data Management Pilot Program" at a minimum of fifty selected facilities of varying licensure or classification throughout the state to improve patient care and retention of nursing facility staff. The department shall determine the nature and extent of the pilot program and provide all necessary resources.

2. The pilot program shall be implemented no later than six months after funding for the pilot program is made available.

3. The pilot program shall:

(1) Encourage the utilization of existing or the purchase of new software in an effort to modernize the procedures for compiling and disseminating data for long-term care facilities;

(2) Enable physicians, licensed nurses, and facility personnel to devote more quality time to patient care; and

(3) Be established in selected urban, rural, and regional sites throughout the state.

4. The department of health and senior services shall monitor the pilot program and report to the general assembly by January first next following the enactment of this section on the effectiveness of such program, including quality of care, employee satisfaction, and cost-effectiveness."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 7, Section 198.006, Line 14 of said page, by inserting after all of said line the following:

"198.015. 1. No person shall establish, conduct or maintain a residential care facility I, residential care facility II, intermediate care facility, or skilled nursing facility in this state without a valid license issued by the department. Any person violating this subsection is guilty of a class A misdemeanor. Any person violating this subsection wherein abuse or neglect of a resident or occupant of the premises has occurred is guilty of a class D felony. The department of health and senior services shall investigate any complaint concerning person operating non-licensed premises within twenty-four hours of receiving such complaint. Not later than January 1, 2004, the department shall promulgate regulations to establish procedures to assure compliance with this section. These regulations shall include, but not be limited to, a process to identify unlicensed premises, an annual on-site review of the unlicensed premises by the department, complaint handling, reporting of and publication of the results of complaint investigations sufficient to alert the public to the unlicensed premises and its violation of law, identification of residents, who, when admitted to properly licensed facilities, needed protective oversight, review of the yellow pages of local telephone books, and advertisements in local publications. If during or from its investigation of any unlicensed premises the department finds that a resident or occupant on such premises requires protective oversight, the department shall immediately notify the office of the Missouri attorney general. The attorney general and the department shall utilize the provisions of sections 198.070.6 and to protect the residents or occupants of the unlicensed premises and to prevent violations from reoccurring.

2. Each license shall be issued only for the premises and persons named in the application. A license, unless sooner revoked, shall be issued for a period of up to two years, in order to coordinate licensure with certification in accordance with section 198.045.

3. If during the period in which a license is in effect, a licensed operator which is a partnership, limited partnership, or corporation undergoes any of the following changes, or a new corporation, partnership, limited partnership or other entity assumes operation of a facility whether by one or by more than one action, the current operator shall notify the department of the intent to change operators and the succeeding operator shall within ten working days of such change apply for a new license:

(1) With respect to a partnership, a change in the majority interest of general partners;

(2) With respect to a limited partnership, a change in the general partner or in the majority interest of limited partners;

(3) With respect to a corporation, a change in the persons who own, hold or have the power to vote the majority of any class of securities issued by the corporation.

4. Licenses shall be posted in a conspicuous place on the licensed premises.

5. Any license granted shall state the maximum resident capacity for which granted, the person or persons to whom granted, the date, the expiration date, and such additional information and special limitations as the department by rule may require.

6. The department shall notify the operator at least sixty days prior to the expiration of an existing license of the date that the license application is due. Application for a license shall be made to the department at least thirty days prior to the expiration of any existing license.

7. The department shall grant an operator a temporary operating permit in order to allow for state review of the application and inspection for the purposes of relicensure if the application review and inspection process has not been completed prior to the expiration of a license and the operator is not at fault for the failure to complete the application review and inspection process.

8. The department shall grant an operator a temporary operating permit of sufficient duration to allow the department to evaluate any application for a license submitted as a result of any change of operator."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion failed.

Senator Dougherty offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 51, Section 660.261, Line 10, by inserting the following:

"660.264. 1. A statement made by a person sixty years of age or older, or an adult with a disability, as defined in section 660.053, to an investigator for the department of health and senior services or to a member of law enforcement as defined by section 43.010, RSMo, relating to an offense, crime, or violation pursuant to sections 198.003 to 198.090, RSMo, sections 198.096 to 198.186, RSMo, section 660.050 and sections 660.250 to 660.320, not otherwise admissible by statute or court rule, is only admissible in evidence in administrative or civil actions brought by the department or in criminal proceedings in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

(1) Such statement is made by affidavit or in some other written form and is in substantially the following form and content:

THE STATE OF

COUNTY OF

AFFIDAVIT

Before me, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

My name is _____, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

The facts herein stated are:

Affiant

In witness whereof I have hereunto subscribed my name and affixed my official seal this _____ day of _____,

(Seal) (Signed)

(2) The court finds, in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient indicia of reliability and the affiant was competent at the time the statement was given;

(3) (a) The person testifies at the proceedings;

(b) The person is deceased; or

(c) The court determines that, due to the person's physical and mental condition, the person is incompetent to testify at the time of the criminal, civil, or administrative proceeding.

2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions, or confessions of the defendant a statement by a person sixty years of age or older, or an adult with a disability, as defined in section 660.053, is sufficient corroboration of a statement, admission, or confession.

3. A statement shall not be admitted pursuant to this section unless a representative of the department of health and senior services makes known to the accused or his or her counsel of the intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or his or her counsel with a fair opportunity to prepare to meet the statement.

4. Nothing in this section shall be construed to limit the admissibility of statements or admissions otherwise admissible by law."; and

Further amend the enacting clause and title accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Caskey offered SSA 1 for SA 9:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 51, Section 660.261, Line 10, by inserting the following:

"660.264. 1. A statement made by a person sixty years of age or older, or an adult with a disability, as defined in section 660.053, to an investigator for the department of health and senior services or to a member of law enforcement as defined by section 43.010, RSMo, relating to an offense, crime, or violation pursuant to sections 198.003 to 198.090, RSMo, sections 198.096 to 198.186, RSMo, section 660.050 and sections 660.250 to 660.320, not otherwise admissible by statute or court rule, is only admissible in evidence in administrative or civil actions brought by the department in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

(1) Such statement is recorded on videotape;

(2) The court finds, in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient indicia of reliability and the affiant was competent at the time the statement was given;

(3) (a) The person testifies at the proceedings;

(b) The person is deceased; or

(c) The court determines that, due to the person's physical or mental condition, the person is incompetent to testify at the time of the criminal, civil, or administrative proceeding.

2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions, or confessions of the defendant, and notwithstanding any prohibition of hearsay evidence, a statement by a person sixty years of age or older, or an adult with a disability, as defined in section 660.053, is sufficient corroboration of a statement, admission, or confession.

3. A statement shall not be admitted pursuant to this section unless the prosecuting attorney or a representative of the department of health and senior services makes known to the accused or his or her counsel of the intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or his or her counsel with a fair opportunity to prepare to meet the statement.

4. Nothing in this section shall be construed to limit the admissibility of statements, admissions, or confessions otherwise admissible by law."; and

Further amend the enacting clause and title accordingly.

Senator Caskey moved that the above substitute amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 25, Section 198.082, Line 9 of said page, by inserting after all of said line the following:

"198.086. 1. The division of aging shall develop and implement a demonstration project designed to establish a licensure category for health care facilities that wish to provide treatment to persons with Alzheimer's disease or Alzheimer's related dementia. The division shall also:

(1) Inform potential providers of the demonstration project and seek letters of intent;

(2) Review letters of intent and select provider organizations to participate in the demonstration project. Ten such organizations may develop such projects using an existing license and additional organizations shall be newly licensed facilities with no more than thirty beds per project. One demonstration project shall be at a stand-alone facility of no more than one hundred twenty beds designed and operated exclusively for the care of residents with Alzheimer's disease or dementia within a county of the first classification with a charter form of government with a population over nine hundred thousand. A total of not more than three hundred beds may be newly licensed through the demonstration projects. All projects shall maintain their pilot status until a complete evaluation is completed by the division of aging, in conjunction with a qualified Missouri school or university, and a written determination is made from such evaluation that the pilot project is successful;

(3) Monitor the participants' compliance with the criteria established in this section;

(4) Recommend legislation regarding the licensure of dementia-specific residential care based on the results of the demonstration project; and

(5) Submit a report regarding the division's activities and recommendations for administrative or legislative action on or before November fifteenth of each year to the governor, the president pro tem of the senate and the speaker of the house of representatives.

2. The director of the division of aging shall:

(1) Develop a reimbursement methodology to reasonably and adequately compensate the pilot projects for the costs of operation of the project, and require the filing of annual cost reports by each participating facility which shall include, but not be limited to, the cost equivalent of unpaid volunteer or donated labor;

(2) Process the license applications of project participants;

(3) Monitor each participant to assure its compliance with the requirements and that the life, health and safety of residents are assured;

(4) Require each participating facility to complete a minimum data set form for each resident occupying a pilot bed;

(5) Require the division of aging to assign a single team of the same surveyors to inspect and survey all participating facilities at least twice a year for the entire period of the project; and

(6) Submit to the president pro tem of the senate and speaker of the house of representatives copies of any statements of deficiencies, plans of correction and complaint investigation reports applying to project participants.

3. Project participants shall:

(1) Be licensed by the division of aging;

(2) Provide care only to persons who have been diagnosed with Alzheimer's disease or Alzheimer's related dementia;

(3) Have buildings and furnishings that are designed to provide for the resident's safety. Facilities shall have indoor and outdoor activity areas, and electronically controlled exits from the buildings and grounds to allow residents the ability to explore while preventing them from exiting the facility's grounds unattended;

(4) Be staffed twenty-four hours a day by the appropriate number and type of personnel necessary for the proper care of residents and upkeep of the facility;

(5) Conduct special staff training relating to the needs, care and safety of persons with Alzheimer's disease or Alzheimer's related dementia within the first thirty days of employment;

(6) Utilize personal electronic monitoring devices for any resident whose physician recommends use of such device;

(7) Permit the resident's physician, in consultation with the family members or health care advocates of the resident, to determine whether the facility meets the needs of the resident;

(8) Be equipped with an automatic sprinkler system, in compliance with the National Fire Protection Association Code 13 or National Fire Protection Association Code 13R, and an automated fire alarm system and smoke barriers in compliance with the 1997 Life Safety Codes for Existing Health Care Occupancy; and

(9) Implement a social model for the residential environment rather than an institutional medical model.

4. For purposes of this section, "health care facilities for persons with Alzheimer's disease or Alzheimer's related dementia" means facilities that are specifically designed and operated to provide elderly individuals who have chronic confusion or dementia illness, or both, with a safe, structured but flexible environment that encourages physical activity through a well-developed recreational and aging-in-place, and activity program. Such program shall continually strive to promote the highest practicable physical and mental abilities and functioning of each resident.

5. Nothing in this section shall be construed to prohibit project participants from accommodating a family member or other care-giver from residing with the resident in accordance with all life, health, and safety standards of the facility."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 22, Section 198.070, Line 9, by striking the letter "D" and inserting in lieu thereof the letter "C"; and further amend said line by inserting immediately after said line the following:

"13. Any person who recklessly neglects a resident of a facility shall be guilty of a class D felony.

14. Any person who, acting with criminal negligence, neglects a resident of a facility shall be guilty of a class A misdemeanor.

15. The definitions of the culpable mental states set out in section 562.016, RSMo, shall apply to the mental states required in this section."; and

Further renumber the remaining subsections accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 10, Section 198.032.1 (5), Line 24, by inserting after the word "resident" the words "**or guardian**"; and

Further amend said bill, page 69, Section 660.321 (5), line 29, by inserting after the word "guardian" on said line the following: "**or any other person designated by the eligible adult or guardian**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 70, Section 660.321, Line 3 of said page, by inserting after all of said line the following:

"660.603. 1. There is hereby established within the [division of aging] **department of health and senior services** the "Office of State Ombudsman for Long-Term Care Facility Residents", for the purpose of helping to assure the adequacy of care received by residents of long-term care facilities and to improve the quality of life experienced by them, in accordance with the federal Older Americans Act, 42 U.S.C. 3001, et seq.

2. The office shall be administered by the state ombudsman, who shall devote his entire time to the duties of his position.

3. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of residents of long-term care facilities relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect the health, safety, welfare or rights of such residents.

4. The [division] **department** shall establish and implement procedures for resolution of complaints. The ombudsman or representatives of the office shall have the authority to:

(1) Enter any long-term care facility and have access to residents of the facility at a reasonable time and in a reasonable manner. The ombudsman shall have access to review resident records, if given permission by the resident or the resident's legal guardian. Residents of the facility shall have the right to request, deny, or terminate visits with an ombudsman;

(2) Make the necessary inquiries and review such information and records as the ombudsman or representative of the office deems necessary to accomplish the objective of verifying these complaints.

5. The office shall acknowledge complaints, report its findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. The ombudsman may recommend to the relevant governmental agency changes in the rules and regulations adopted or proposed by such governmental agency which do or may adversely affect the health, safety, welfare, or civil or human rights of any resident in a facility. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to long-term care facilities and services in the state and shall recommend to the [division] **department** changes in such laws, regulations and policies deemed by the office to be appropriate.

7. The office shall promote community contact and involvement with residents of facilities through the use of volunteers and volunteer programs directed by the regional ombudsman coordinators.

8. The office shall develop and establish by regulation of the [division] **department** statewide policies and standards for implementing the activities of the ombudsman program, including the qualifications and the training of regional ombudsman coordinators and ombudsman volunteers.

9. The office shall develop and propose programs for use, training and coordination of volunteers in conjunction with the regional ombudsman coordinators and may:

(1) Establish and conduct recruitment programs for volunteers;

(2) Establish and conduct training seminars, meetings and other programs for volunteers; and

(3) Supply personnel, written materials and such other reasonable assistance, including publicizing their activities, as may be deemed necessary.

10. The regional ombudsman coordinators and ombudsman volunteers shall have the authority to report instances of abuse and neglect to the ombudsman hotline operated by the department.

11. If the regional ombudsman coordinator or volunteer find that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, the state ombudsman shall be notified. The Department shall establish procedures by rule for implementation of this subsection.

[10.] **12.** The office shall prepare and distribute to each facility written notices which set forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint and other pertinent information.

[11.] **13.** The administrator of each facility shall ensure that such written notice is given to every resident or his guardian upon admission to the facility and to every person already in residence, or to his guardian. The administrator shall also post such written notice in a conspicuous, public place in the facility in the number and manner set forth in the regulations adopted by the [division] **department**.

[12.] **14.** The office shall inform residents, their guardians or their families of their rights and entitlements under state and federal laws and rules and regulations by means of the distribution of educational materials and group meetings.";
and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 49, Section 660.250, Line 9 of said page, by inserting after the word "older" the following: **"who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs"**; and further amend line 13 of said page, by inserting after all of said line the following:

"(6) "Home health agency", an entity licensed pursuant to section 197.400, RSMo;

(7) "Home health agency employee", a person employed by a home health agency;

(8) "Home health patient", an eligible adult who is receiving services through any home health agency;"; and further amend by renumbering the remaining subdivisions accordingly; and further amend line 21 of said page, by inserting an opening bracket "[" immediately before the word "or"; and further amend line 23 of said page, by inserting a closing bracket "]" immediately after the word "RSMo"; and

Further amend said bill, Pages 52-55, Section 660.300, by striking all of said section from the bill and inserting in lieu thereof the following:

"660.300. 1. [Beginning January 1, 1993,] When any physician, dentist, chiropractor, optometrist, podiatrist, [intern,] nurse, nurse practitioner, physician's assistant, hospital and clinic personnel engaged in examination, care, or treatment of persons, or other health practitioners, medical examiner, coroner, mental health professional, social worker, psychologist, minister, funeral director, embalmer, Christian Science practitioner, peace officer, probation or parole officer, law enforcement officer, pharmacist, physical therapist, in-home services owner, in-home services provider, in-home services operator, in-home services employee, home health agency or home health agency employee, adult day care worker, or employee of the department of social services or of the department of health and senior services or of the department of mental health or employee for a local area agency on aging or for an organized area agency on aging program has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, then the department shall maintain contact with the physician regarding the progress of the investigation.

2. When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.

3. Local area agencies on aging shall provide volunteer training, if requested, to those persons listed in subsection 1 of this section regarding the detection and report of abuse and neglect, pursuant to this section.

[2.] 4. Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

[3.] 5. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

[4.] **6.** In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client **or home health patient** has been abused or neglected by an in-home services employee **or home health agency employee** may report such information to the department.

[5.] Upon receipt of a report, the department shall initiate a prompt and thorough investigation.

6.] **7.** If the investigation indicates possible abuse or neglect of an in-home services client **or home health patient**, the investigator shall refer the complaint together with his **or her** report to the department director or his **or her** designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate [removal] **action** is necessary to protect the in-home services client **or home health patient** from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client **or home health patient** in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the in-home services client **or home health patient**, for a period not to exceed thirty days.

[7.] **8.** Reports shall be confidential, as provided under section 660.320.

[8.] **9.** Anyone, except any person who has abused or neglected an in-home services client **or home health patient**, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

[9.] **10.** Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

[10.] **11.** No person who directs or exercises any authority in an in-home services provider agency **or home health agency** shall harass, dismiss or retaliate against an in-home services client **or home health patient**, or an in-home services employee **or a home health agency employee** because he or any member of his **or her** family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency **or home health agency** or any in-home services employee **or home health agency employee** which he has reasonable cause to believe has been committed or has occurred.

[11.] **12.** Any person who knowingly abuses or neglects an in-home services client **or home health patient** shall be guilty of a class D felony. **If such person is an in-home services employee and has been determined guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by said employee to the department, then the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621, RSMo. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" shall mean a determination of guilt by a court. The department shall establish a quality assurance and supervision process for clients. The process shall require an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.**

[12.] **13.** The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section 660.315, to have recklessly, knowingly or purposely abused or neglected an in-home services client **or home health patient** while employed by an in-home services provider agency[.] **or home health agency. For purposes of this subsection only, "knowingly" and "recklessly" shall have the terms that are prescribed to them in this subsection. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial**

and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation. Any in-home services provider agency or home health agency which knowingly employs a person who refuses to register with the Family Care Safety Registry or who is listed on any of the background check lists in the Family Care Safety Registry, pursuant to sections 210.900 to 210.936, RSMo, will be guilty of a class A misdemeanor.

14. At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536, RSMo. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the in-home services nurse, licensed pursuant to chapter 335, RSMo, in lieu of the department nurse to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

15. Authorized nurse visits shall be at least twice annually for the purpose of assessing the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been pre-authorized by the department.

16. All in-home services clients shall be advised of their rights by the department at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. The department shall establish a process to receive these nonabuse and neglect calls other than the elder abuse and neglect hotline.

17. Subject to appropriations, all nurse visits authorized in sections 660.250 to 660.300 shall be reimbursed to the in-home services provider agency."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SS** for **SCS** for **SBs 556** and **311**, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Clemens, Kinder and Scott.

SS for **SS** for **SCS** for **SBs 556** and **311**, as amended, was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senator DePasco--1

On motion of Senator Kinder, **SS** for **SS** for **SCS** for **SBs 556** and **311**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

Senator Bartle moved that **SB 468** be called from the Consent Calendar and again taken up for third reading and final passage, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Bartle, **SB 468** was read the third time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Bland moved that **SCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Bland, **SCR 2** was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross

Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Dougherty--1			
Absent with leave--Senator DePasco--1			

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SB 481**, with **SCA 1**, introduced by Senator Dolan, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 481

An Act to repeal sections 21.795, 144.062, and 226.030, RSMo, and to enact in lieu thereof seven new sections relating to accountability measures governing the operations of the department of transportation.

Was taken up.

SCA 1 was taken up.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Dolan, **SS No. 2** for **SCS** for **SB 481**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Dougherty--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 69** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HBs 517, 94, 149, 150** and **342**--Pensions and General Laws.

HCS for **HB 380**--Judiciary and Civil and Criminal Jurisprudence.

HB 182--Agriculture, Conservation, Parks and Natural Resources.

HS for **HB 668**--Transportation.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 141**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 523, regarding NAMI (National Alliance for the Mentally Ill) Walks for the Mind of America, which was adopted.

Senator Champion offered Senate Resolution No. 524, regarding Benjamin Kenney, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 525, regarding Nick Dlack, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 526, regarding Brian Mattson, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 527, regarding Jeffrey Schafer, Springfield, which was adopted.

Senator Dolan offered Senate Resolution No. 528, regarding Nancy S. Becker, Hawk Point, which was adopted.

Senator Dolan offered Senate Resolution No. 528, regarding Thomas Keith Parks, Jr., St. Peters, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Adolfo Castillo, Joplin.

Senator Childers introduced to the Senate, seventh and eighth grade students from St. Mary's School, Pierce City; and Jaymie Reinhardt, Zachary Rosewicz, Samantha Steele, and Suzanne Witt were made honorary pages.

Senator Dolan introduced to the Senate, Enrique Ante, O'Fallon.

Senator Kinder introduced to the Senate, the Hispanic Delegation from around the state.

Senator Mathewson introduced to the Senate, former State Senator Betty Sims, Ladue.

On behalf of Senator Bartle, the President introduced to the Senate, his parents, Vince and Kay Bartle, Chesterfield.

Senator Days introduced to the Senate, Rachel Parrent and Herbert Hoosman, Bridgeton.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Thomas Saak, St. Louis.

Senator Kinder introduced to the Senate, twenty-three seventh grade students from Immaculate Conception School, Jackson.

Senator Gross introduced to the Senate, Norm Frieberger, St. Charles.

Senator Gibbons introduced to the Senate, Tom and Judy Alferman and David Gisburne, Kirkwood; and David was made an honorary page.

Senator Gibbons introduced to the Senate, one hundred ten fifth grade students from Barretts Elementary School, Manchester.

Senator Yeckel introduced to the Senate, Geri Pitti and nineteen eighth grade students from St. Matthias School, St. Louis.

Senator Kinder introduced to the Senate, Dr. David Johnson, Dr. Mike Bennett, Dr. Robert Fox, and Dr. Terry Spence, Cape Girardeau.

Senator Shields introduced to the Senate, representatives of the Legal Studies Association from Missouri Western State College, St. Joseph.

On behalf of Senator Champion and himself, Senator Russell introduced to the Senate, Dr. Craig Scott, Springfield.

Senator Caskey introduced to the Senate, Nora Quitno, Emily Scarborough, and Ben Wilson, Nevada.

Senator Bray introduced to the Senate, Heather Muessing, and thirty-four fourth grade students and parents from Mark Twain Elementary School, St. Louis.

Senator Kennedy introduced to the Senate, William Basinger, Tom Hunt, and Paula Weaver, St. Louis.

Senator Yeckel introduced to the Senate, Dr. Kevin Groth, and his wife, Joyce; and Katy Forand, St. Louis.

Senator Kennedy introduced to the Senate, Ron and Carol Hopkins, Ironton.

Senator Kennedy introduced to the Senate, Bob Kloeppe, St. Louis.

Senator Bartle introduced to the Senate, Farmer's Insurance Agents from around the state.

Senator Bray introduced to the Senate, Senator Steven Rauschenberger, Elgin, Illinois; William Pound, Denver, Colorado; and Neal Osten, Washington, D.C.

Senator Kinder introduced to the Senate, Julie Bell, Denver, Colorado.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 267-Smith (118)

HCS for HBs 346 & 174

THIRD READING OF SENATE BILLS

SS for SCS for SB 410-Shields

(In Fiscal Oversight)

SCS for SB 69-Yeckel and Nodler

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 243-Yeckel

2. SBs 361, 103, 156 &

329-Steelman, with SCS

3. SB 28-Gross
4. SB 362-Steelman and Gross
5. SB 184-Bartle and Scott
6. SB 38-Klindt, et al, with SCS
7. SB 241-Yeckel, with SCS
8. SB 476-Jacob
9. SB 460-Loudon
10. SBs 381, 384, 432 & 9-Dolan,
with SCS
11. SB 39-Cauthorn, et al, with
SCA 1
12. SB 199-Childers, with SCS
13. SB 620-Loudon, et al, with SCS
14. SB 416-Yeckel, with SCS
15. SB 219-Steelman and Yeckel
16. SJR 13-Stoll
17. SB 555-Kinder and Foster,
with SCS
18. SB 695-Goode and Russell
19. SB 693-Klindt, et al, with
SCS
20. SB 12-Kinder and Scott
21. SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with SCS
22. SB 27-Gibbons, with SCS
23. SB 209-Steelman, et al, with
SCS
24. SB 685-Gibbons, et al, with SCS

25. SB 455-Dougherty and Shields

26. SBs 343, 89, 134, 171, 240,

261, 331, 368, 369, 419, 484

& 581-Dolan, with SCS

27. SB 446-Bartle, with SCS

28. SB 242-Yeckel, with SCA 1

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

(In Fiscal Oversight)

HS for HCS for HB 321-

Wilson (130) (Loudon)

(In Fiscal Oversight)

HCS for HBs 122 & 80

(Bland)

(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Russell, with SCS, SS

for SCS & SS#2 for SS for

SCS (pending)

SB 5-Caskey, with SCS

SB 18-Yeckel and Cauthorn,
with SCS & SS for SCS
(pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS
SBs 125 & 290-Goode, with
SCS & SA 6 (pending)

SB 217-Champion and
Clemens, with SS (pending)

SB 253-Steelman, et al, with
SCS, SS for SCS & SA 1
(pending)

SB 300-Cauthorn, et al, with
SCS

SB 305-Jacob and Steelman,
with SS & point of order
(pending)

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)

SB 450-Mathewson, et al,
with SCS, SS for SCS &
SA 2 (pending)

HCS for HB 221, with SCS

(Yeckel)

HB 412-Goodman, et al

(Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

(In Fiscal Oversight)

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and

Parker (Dolan)

HB 292-Wagner

HB 358-Boykins

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al, with

SCS (Childers)

HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)

SCR 5-Cauthorn, et al

SCR 12-Gibbons, et al

SCR 3-Loudon

SCR 6-Stoll

Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY--WEDNESDAY, APRIL 9, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"And God shall wipe away all tears from their eyes; and there shall be no more death." (Revelations 21:4)

Loving Father, we see the possibility of peace and pray it will quickly settle in in Iraq, yet we are mindful that families like ours grieve and worry and cry over those whom they have lost and who are missing. We pray for such families and as we do, we draw our own families closer to us realizing how important they are to us. Let us be more loving to one another, find compassion for our enemies and seek You in whom life exists forever. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 530, regarding Walt Thompson, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 531, regarding Lois McQuitty, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 532, regarding Marilyn Hartung, Macon, which was adopted.

Senators Dolan and Gross offered Senate Resolution No. 533, regarding Francis Howell R-III School District, St. Charles, which was adopted.

Senator Loudon offered Senate Resolution No. 534, regarding Colonel Kimberly Ann Weaver, Commander of the 648th Area Support Group, St. Louis, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 2**, with **SCS**, **SS** for **SCS** and **SS No. 2** for **SS** for **SCS** (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

President Maxwell assumed the Chair.

SS No. 2 for **SS** for **SCS** for **SB 2** was again taken up.

Senator Shields assumed the Chair.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 10, Section 288.040, Line 23, by striking all of the words after the word "work."; and further amend said bill, section 288.040, page 10, lines 24-29, by striking all of said lines; and further amend said bill, section 288.040, page 11, lines 1-22, by striking all of said lines; and further amend said bill, page 20, section 288.050, line 27, by striking all of the words after the word "amount"; and further amend said bill, section 288.050, lines 28-29, by striking all of said lines; and further amend said bill, page 21, section 288.050, lines 1-29, by striking all of said lines.

Senator Jacob moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 11, Section 288.040, Lines 5-22, by striking all of said lines and insert in lieu thereof the following: "**discharge.**"; and further amend said bill, page 21, section 288.050, lines 12-29, by striking all of said lines, and insert in lieu thereof the following: "**or of the employee's duties and obligations to the employer.**".

Senator Loudon moved that the above substitute amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 7, Section 288.036, Line 10, by inserting immediately after the word "fund." the following: "**Nothing in this section shall be construed to prevent the wage base from increasing or decreasing by increments of five hundred**

dollars.".

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SS No. 2** for **SS** for **SCS** for **SB 2**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SS No. 2** for **SS** for **SCS** for **SB 2**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HBs 346** and **174**--Education.

RE-REFERRALS

President Pro Tem Kinder re-referred **HCS** for **HB 380** to the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

Senator Shields assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **SCR 5** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **SCR 5** was adopted by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--22		
NAYS--Senators			
Bland	Bray	Coleman	Days--4
Absent--Senators			
Champion	Dolan	Dougherty	Goode
Mathewson	Quick	Yeckel--7	
Absent with leave--Senator DePasco--1			

President Maxwell assumed the Chair.

Senator Gibbons moved that **SCR 12** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **SCR 12** was adopted by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Coleman	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--27	

NAYS--Senator Bland--1

Absent--Senators

Clemens	Dolan	Quick	Russell
Stoll--5			

Absent with leave--Senator DePasco--1

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 73**; **HCS** for **HBs 122** and **80**; and **SS** for **SCS** for **SB 410**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SS** for **SCS** for **SBs 556** and **311**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SS** for **SS** for **SCS** for **SBs 556** and **311** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 5**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 5

An Act to repeal sections 217.362, 217.760, 513.653, 557.036, 558.011, 558.016, 558.019, 559.026, 559.115, and 570.040, RSMo, and to enact in lieu thereof eleven new sections relating to various sentencing provisions, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SB 5** be adopted.

Senator Caskey offered **SS** for **SCS** for **SB 5**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5

An Act to repeal sections 217.362, 217.750, 217.760, 513.653, 557.036, 558.011, 558.016, 558.019, 559.026, 559.115, 568.045, 570.030, and 570.040, RSMo, and to enact in lieu thereof thirteen new sections relating to various sentencing provisions, with penalty provisions.

Senator Caskey moved that **SS** for **SCS** for **SB 5** be adopted.

Senators Jacob and Vogel offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 5, Section 217.760, Line 2 of said page, by inserting after all of said line the following:

"478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three. **Beginning on January 1, 2007, there shall be four circuit judges in the thirteenth judicial circuit and these judges shall sit in divisions numbered one, two, three, and four.**

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982. **The circuit judge in division four shall be elected in 2006 for a two-year term and thereafter in 2008 for a full six-year term.**

3. The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date, there shall be one additional associate circuit judge position in Boone County than is provided pursuant to section 478.320."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 3, Section 217.362, Line 19 of said page, by inserting after all of said line the following:

"217.730. 1. The period served on parole, except for judicial parole granted or revoked pursuant to section 559.100, RSMo, shall be deemed service of the term of imprisonment and, subject to the provisions of section 217.720 relating to an offender who is or has been a fugitive from justice, the total time served may not exceed the maximum term or sentence.

2. When an offender on parole or conditional release, before the expiration of the term for which the offender was sentenced, has performed the obligation of his parole for such time as satisfies the board that his final release is not incompatible with the best interest of society and the welfare of the individual, the board may make a final order of discharge and issue a certificate of discharge to the offender. No such order of discharge shall be made in any case less than three years after the date on which the offender was paroled or conditionally released except where the sentence expires earlier.

3. Upon final discharge, persons shall be informed in writing on the process and procedure to register to vote.";
and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 23, Section 559.115, Line 1 of said page, by inserting after all of said line the following:

"565.305. 1. As used in this section, the following words and phrases shall mean:

- (1) "Clone a human being" or "cloning a human being", the creation of a human being by any means other than by the fertilization of a naturally intact oocyte of a human female by a naturally intact sperm of a human male;**
 - (2) "Cloned human being", a human being created by human cloning;**
 - (3) "Public employee", any person employed by the state of Missouri or any agency or political subdivision thereof;**
 - (4) "Public facilities", any public institution, public facility, public equipment, or any physical asset owned, leased, or controlled by the state of Missouri or any agency or political subdivision thereof;**
 - (5) "Public funds", any funds received or controlled by the state of Missouri or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.**
- 2. No person shall knowingly clone a human being, or participate in cloning a human being.**
- 3. No person shall knowingly use public funds to clone a human being or attempt to clone a human being.**
- 4. No person shall knowingly use public facilities to clone a human being or attempt to clone a human being.**
- 5. No public employee shall knowingly allow any person to clone a human being or attempt to clone a human being while making use of public funds or public facilities.**
- 6. Violation of subsections 2 to 5 of this section shall be a class B felony.";** and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Dougherty offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 3, Section 217.362, Line 19 of said page, by inserting after all of said line the following:

- "217.541. 1. The department shall by rule establish a program of house arrest. The director or his designee may extend the limits of confinement of offenders serving sentences for class C or D felonies who have [one year] **two years** or less remaining prior to release on parole, conditional release, or discharge to participate in the house arrest program.
2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state board of probation and parole.
3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.
4. An offender released to house arrest shall be authorized to leave his place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.
5. The board of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional facility of the department for reclassification.
6. Each offender who is released to house arrest shall pay a percentage of his wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate fund and shall be expended to support the house arrest program."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 23, Section 559.115, Line 1 of said page, by inserting immediately after said line the following:

"559.615. **1.** No judge, nor any person related within the third degree of consanguinity or affinity to a judge or any other county elected official with direct court supervision responsibilities, may have a material financial interest in any private entity which contracts to provide probation supervision or rehabilitation services pursuant to sections 559.600 to 559.615.

2. No person who provides assessment services or who makes a report, finding, or recommendation for any probationer to attend any counseling or other program as a condition or requirement of probation, may be related within the third degree of consanguinity or affinity to any person who has any financial interest, whether direct or indirect, in the counseling or other program or any financial interest, whether direct or indirect, in any private entity which provides the counseling or other program. Any person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services to or for the state board of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment, counseling, or other services to the state board of probation and parole or any office thereof."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Wheeler offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 23, Section 559.115, Line 1, by inserting after all of said line the following:

"565.350. 1. Any pharmacist licensed pursuant to chapter 338, RSMo, commits the crime of tampering with a prescription or a prescription drug order as defined in section 338.095, RSMo, if such person knowingly:

(1) Causes the intentional adulteration of the concentration or chemical structure of a prescribed drug or drug therapy without the knowledge and consent of the prescribing practitioner;

(2) Misrepresents a misbranded, altered, or diluted prescription drug or drug therapy with the purpose of misleading the recipient or the administering person of the prescription drug or drug therapy; or

(3) Sells a misbranded, altered, or diluted prescription drug therapy with the intention of misleading the purchaser.

2. Tampering with a prescription drug order is a class A felony."; and

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 513.653, Line 16 of said page, by inserting after all of said line the following:

"556.061. In this code, unless the context requires a different definition, the following shall apply:

(1) "Affirmative defense" has the meaning specified in section 556.056;

(2) "Burden of injecting the issue" has the meaning specified in section 556.051;

(3) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(4) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

(5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(6) "Criminal negligence" has the meaning specified in section 562.016, RSMo;

(7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;

(8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree [and], **assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, and** robbery in the first degree;

(9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;

(11) "Felony" has the meaning specified in section 556.016;

(12) "Forcible compulsion" means either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(13) "Incapacitated" means that physical or mental condition, temporary or permanent, in which a person is

unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act;

(14) "Infraction" has the meaning specified in section 556.021;

(15) "Inhabitable structure" has the meaning specified in section 569.010, RSMo;

(16) "Knowingly" has the meaning specified in section 562.016, RSMo;

(17) "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(18) "Misdemeanor" has the meaning specified in section 556.016;

(19) "Offense" means any felony, misdemeanor or infraction;

(20) "Physical injury" means physical pain, illness, or any impairment of physical condition;

(21) "Place of confinement" means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(22) "Possess" or "possessed" means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(23) "Public servant" means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) "Purposely" has the meaning specified in section 562.016, RSMo;

(25) "Recklessly" has the meaning specified in section 562.016, RSMo;

(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or

any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) "Voluntary act" has the meaning specified in section 562.011, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 15, Section 558.019, Line 15, by striking the word "eleven" and inserting in lieu thereof the following: "**thirteen**"; and further amend line 18, by striking the word "Six" and inserting in lieu thereof the following: "**Eight**"; and further amend line 20, by striking "private citizens" and inserting in lieu thereof the following: "**four private citizens, two from urban and two from rural areas of the state**"; and further amend page 16, line 7, by inserting after "therefor" the following: "**sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence**"; and

Further amend said bill and section, Page 16, Lines 24 to 29 and Page 17, Lines 1 and 2, by striking all of said lines and inserting in lieu thereof the following:

"(4) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

(5) The commission shall publish and distribute its [system of recommended sentences] recommendations on or before July 1, [1995] 2004. The commission shall study the implementation and use of the [system of recommended sentences] recommendations until July 1, [1998] 2005, and return a [final] report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, [1998] 2005, report, the commission [may] shall revise the recommended sentences every [three] two years."; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill and section, Page 18, Line 17, by striking the following: "1994" and inserting in lieu thereof the following: "**2003**".

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 23, Section 559.115, Line 1, by inserting after all of said line the following:

"565.004. 1. Each homicide offense which is lawfully joined in the same indictment or information together with any homicide offense or offense other than a homicide shall be charged together with such offense in separate counts. A count charging any offense of homicide may only be charged and tried together with one or more counts of any other homicide or offense other than a homicide as provided in subsection 2 of section 545.140, RSMo. Except as provided in subsections 2, 3, and 4 of this section, no murder in the first degree offense may be tried together with any offense other than murder in the first degree. In the event of a joinder of homicide offenses, all offenses charged which are

supported by the evidence in the case, together with all proper lesser offenses under section 565.025, shall, when requested by one of the parties or the court, be submitted to the jury or, in a jury-waived trial, considered by the judge.

2. A count charging any offense of homicide of a particular individual may be joined in an indictment or information and tried with one or more counts charging alternatively any other homicide or offense other than a homicide committed against that individual. The state shall not be required to make an election as to the alternative count on which it will proceed. This subsection in no way limits the right to try in the conjunctive, where they are properly joined under subsection 1 of this section, either separate offenses other than murder in the first degree or separate offenses of murder in the first degree committed against different individuals.

3. When a defendant has been charged and proven before trial to be a prior offender pursuant to chapter 558, RSMo, so that the judge shall assess punishment and not a jury for an offense other than murder in the first degree, that offense may be tried and submitted to the trier together with any murder in the first degree charge with which it is lawfully joined. In such case the judge will assess punishment on any offense joined with a murder in the first degree charge according to law and, when the trier is a jury, it shall be instructed upon punishment on the charge of murder in the first degree in accordance with section 565.030.

[4. When the state waives the death penalty for a murder first degree offense, that offense may be tried and submitted to the trier together with any other charge with which it is lawfully joined.]

565.006. 1. At any time before the commencement of the trial of a homicide offense, the defendant may, with the assent of the court, waive a trial by jury and agree to submit all issues in the case to the court, whose finding shall have the force and effect of a verdict of a jury. Such a waiver must include a waiver of a trial by jury of all issues and offenses charged in the case, including the punishment to be assessed and imposed if the defendant is found guilty.

2. No defendant who pleads guilty to a homicide offense or who is found guilty of a homicide offense after trial to the court without a jury shall be permitted a trial by jury on the issue of the punishment to be imposed, except by agreement of the state.

3. [If a defendant is found guilty of murder in the first degree after a jury trial in which the state has not waived the death penalty, the defendant may not waive a jury trial of the issue of the punishment to be imposed, except by agreement with the state and the court.

4.] Any waiver of a jury trial and agreement permitted by this section shall be entered in the court record.

565.020. 1. A person commits the crime of murder in the first degree if [he] **such person** knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be [either death or] imprisonment for life without eligibility for probation or parole, or release except by act of the governor[; except that, if a person has not reached his sixteenth birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor].

565.040. [1. In the event that the death penalty provided in this chapter is held to be unconstitutional,] Any person convicted of murder in the first degree [shall be] **and** sentenced by the court to **death hereafter has such sentence commuted to** life imprisonment without eligibility for probation, parole, or release except by act of the governor[, with the exception that when a specific aggravating circumstance found in a case is held to be unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for resentencing or retrial of the punishment pursuant to subsection 5 of section 565.036.

2. In the event that any death sentence imposed pursuant to this chapter is held to be unconstitutional, the trial court which previously sentenced the defendant to death shall cause the defendant to be brought before the court and shall sentence the defendant to life imprisonment without eligibility for probation, parole, or release except by act of the governor, with the exception that when a specific aggravating circumstance found in a case is held to be inapplicable, unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case

for retrial of the punishment pursuant to subsection 5 of section 565.035]."; and

Further amend said bill, Page 27, Section 570.040, Line 12, by inserting after all of said line the following:

"[546.680. When judgment of death is rendered by any court of competent jurisdiction, a warrant signed by the judge and attested by the clerk under the seal of the court must be drawn and delivered to the sheriff. It must state the conviction and judgment and appoint a day on which the judgment must be executed, which must not be less than thirty nor more than sixty days from the date of judgment, and must direct the sheriff to deliver the defendant, at a time specified in said order, not more than ten days from the date of judgment, to the chief administrative officer of a correctional facility of the department of corrections, for execution.]

[546.690. The judge of a court at which a conviction is had must, immediately after the conviction, transmit to the governor of the state, by mail or otherwise, a statement of the conviction and judgment.]

[546.700. Whenever, for any reason, any convict sentenced to the punishment of death shall not have been executed pursuant to such sentence, and the cause shall stand in full force, the supreme court, or the court of the county in which the conviction was had, on the application of the prosecuting attorney, shall issue a writ of habeas corpus to bring such convict before the court; or if he be at large, a warrant for his apprehension may be issued by such court, or any judge thereof.]

[546.710. Upon such convicted offender being brought before the court, they shall proceed to inquire into the facts, and if no legal reasons exist against the execution of sentence, such court shall issue a warrant to the director of the department of corrections, for the execution of the prisoner at the time therein specified, which execution shall be obeyed by the director accordingly.]

[546.720. The manner of inflicting the punishment of death shall be by the administration of lethal gas or by means of the administration of lethal injection. And for such purpose the director of the department of corrections is hereby authorized and directed to provide a suitable and efficient room or place, enclosed from public view, within the walls of a correctional facility of the department of corrections, and the necessary appliances for carrying into execution the death penalty by means of the administration of lethal gas or by means of the administration of lethal injection.]

[546.730. A judgment of death must be executed within a correctional center of the department of corrections; and such execution shall be under the supervision and direction of the director of the department of corrections.]

[546.740. The chief administrative officer of the correctional center, or his duly appointed representative shall be present at the execution and the director of the department of corrections shall invite the presence of the attorney general of the state, and at least eight reputable citizens, to be selected by him; and he shall at the request of the defendant, permit such clergy or religious leaders, not exceeding two, as the defendant may name, and any person, other than another incarcerated offender, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution; but no person under twenty-one years of age shall be allowed to witness the execution.]

[546.750. After the execution the chief administrative officer of the correctional facility shall make a return upon the death warrant to the court by which the judgment was rendered, showing the time, mode and manner in which it was executed.]

[546.800. If, after any female convict shall be sentenced to the punishment of death, the officer having charge of her person shall have reason to suspect that she is pregnant, he shall in like manner summon a jury of six persons, not less than three of whom shall be physicians, and shall give notice thereof to the prosecuting attorney of the county where such criminal proceedings originated, or to the circuit attorney of the city of St. Louis, if such criminal proceedings originated in that city, who shall attend, and the proceedings shall be had as provided.]

[546.810. The inquisition shall be signed by the jury and the officer in charge of such convict, and if it appear that such female convict is pregnant with child, her execution shall be suspended and the inquisition shall be transmitted to the governor.]

[546.820. Whenever the governor shall be satisfied that the cause of such suspension no longer exists, he shall issue his warrant, appointing a day for the execution of such convict, pursuant to her sentence; or he may, at his discretion, commute her punishment to imprisonment in the penitentiary for life.]

[565.030. 1. Where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases with a single stage trial in which guilt and punishment are submitted together.

2. Where murder in the first degree is submitted to the trier without a waiver of the death penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged other than murder in the first degree in a count together with a count of murder in the first degree, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he finds the defendant to be a prior offender pursuant to chapter 558, RSMo.

3. If murder in the first degree is submitted and the death penalty was not waived but the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. No further evidence shall be received. If the trier is a jury it shall be instructed on the law. The attorneys may then argue as in other criminal cases the issue of punishment, after which the trier shall assess and declare the punishment as in all other criminal cases.

4. If the trier at the first stage of a trial where the death penalty was not waived finds the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the murder victim and the impact of the crime upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The trier shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor:

(1) If the trier finds by a preponderance of the evidence that the defendant is mentally retarded; or

(2) If the trier does not find beyond a reasonable doubt at least one of the statutory aggravating circumstances set out in subsection 2 of section 565.032; or

(3) If the trier concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the statutory mitigating circumstances listed in subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment found by the trier; or

(4) If the trier decides under all of the circumstances not to assess and declare the punishment at death. If the trier is a jury it shall be so instructed.

If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If the trier is a jury it shall be instructed before the case is submitted that if it is unable to decide or agree upon the punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor or death. The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for murder in the first degree.

5. Upon written agreement of the parties and with leave of the court, the issue of the defendant's mental retardation may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in subsection 4 of this section.

6. As used in this section, the terms "mental retardation" or "mentally retarded" refer to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with continual extensive related deficits and limitations in two or more adaptive behaviors such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which conditions are manifested and documented before eighteen years of age.

7. The provisions of this section shall only govern offenses committed on or after August 28, 2001.]

[565.032. 1. In all cases of murder in the first degree for which the death penalty is authorized, the judge in a jury-waived trial shall consider, or he shall include in his instructions to the jury for it to consider:

(1) Whether a statutory aggravating circumstance or circumstances enumerated in subsection 2 of this section is established by the evidence beyond a reasonable doubt; and

(2) If a statutory aggravating circumstance or circumstances is proven beyond a reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of life imprisonment without eligibility for probation, parole, or release except by act of the governor. In determining the issues enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider all evidence which it finds to be in aggravation or mitigation of punishment, including evidence received during the first stage of the trial and evidence supporting any of the statutory aggravating or mitigating circumstances set out in subsections 2 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence which may be in aggravation or mitigation of punishment, but shall be instructed that each juror shall consider any evidence which he considers to be aggravating or mitigating.

2. Statutory aggravating circumstances for a murder in the first degree offense shall be limited to the following:

(1) The offense was committed by a person with a prior record of conviction for murder in the first degree, or the offense was committed by a person who has one or more serious assaultive criminal convictions;

(2) The murder in the first degree offense was committed while the offender was engaged in the commission or attempted commission of another unlawful homicide;

(3) The offender by his act of murder in the first degree knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person;

(4) The offender committed the offense of murder in the first degree for himself or another, for the purpose of receiving money or any other thing of monetary value from the victim of the murder or another;

(5) The murder in the first degree was committed against a judicial officer, former judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected official or former elected official during or because of the exercise of his official duty;

(6) The offender caused or directed another to commit murder in the first degree or committed murder in the first degree as an agent or employee of another person;

(7) The murder in the first degree was outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind;

(8) The murder in the first degree was committed against any peace officer, or fireman while engaged in the performance of his official duty;

(9) The murder in the first degree was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement;

(10) The murder in the first degree was committed for the purpose of avoiding, interfering with, or preventing a lawful

arrest or custody in a place of lawful confinement, of himself or another;

(11) The murder in the first degree was committed while the defendant was engaged in the perpetration or was aiding or encouraging another person to perpetrate or attempt to perpetrate a felony of any degree of rape, sodomy, burglary, robbery, kidnapping, or any felony offense in chapter 195, RSMo;

(12) The murdered individual was a witness or potential witness in any past or pending investigation or past or pending prosecution, and was killed as a result of his status as a witness or potential witness;

(13) The murdered individual was an employee of an institution or facility of the department of corrections of this state or local correction agency and was killed in the course of performing his official duties, or the murdered individual was an inmate of such institution or facility;

(14) The murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance;

(15) The murder was committed for the purpose of concealing or attempting to conceal any felony offense defined in chapter 195, RSMo;

(16) The murder was committed for the purpose of causing or attempting to cause a person to refrain from initiating or aiding in the prosecution of a felony offense defined in chapter 195, RSMo;

(17) The murder was committed during the commission of a crime which is part of a pattern of criminal street gang activity as defined in section 578.421.

3. Statutory mitigating circumstances shall include the following:

(1) The defendant has no significant history of prior criminal activity;

(2) The murder in the first degree was committed while the defendant was under the influence of extreme mental or emotional disturbance;

(3) The victim was a participant in the defendant's conduct or consented to the act;

(4) The defendant was an accomplice in the murder in the first degree committed by another person and his participation was relatively minor;

(5) The defendant acted under extreme duress or under the substantial domination of another person;

(6) The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired;

(7) The age of the defendant at the time of the crime.]

[565.035. 1. Whenever the death penalty is imposed in any case, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the supreme court of Missouri. The circuit clerk of the court trying the case, within ten days after receiving the transcript, shall transmit the entire record and transcript to the supreme court together with a notice prepared by the circuit clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report by the judge shall be in the form of a standard questionnaire prepared and supplied by the supreme court of Missouri.

2. The supreme court of Missouri shall consider the punishment as well as any errors enumerated by way of appeal.

3. With regard to the sentence, the supreme court shall determine:

- (1) Whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor; and
 - (2) Whether the evidence supports the jury's or judge's finding of a statutory aggravating circumstance as enumerated in subsection 2 of section 565.032 and any other circumstance found;
 - (3) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime, the strength of the evidence and the defendant.
4. Both the defendant and the state shall have the right to submit briefs within the time provided by the supreme court, and to present oral argument to the supreme court.
5. The supreme court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the supreme court, with regard to review of death sentences, shall be authorized to:
- (1) Affirm the sentence of death; or
 - (2) Set the sentence aside and resentence the defendant to life imprisonment without eligibility for probation, parole, or release except by act of the governor; or
 - (3) Set the sentence aside and remand the case for retrial of the punishment hearing. A new jury shall be selected or a jury may be waived by agreement of both parties and then the punishment trial shall proceed in accordance with this chapter, with the exception that the evidence of the guilty verdict shall be admissible in the new trial together with the official transcript of any testimony and evidence properly admitted in each stage of the original trial where relevant to determine punishment.
6. There shall be an assistant to the supreme court, who shall be an attorney appointed by the supreme court and who shall serve at the pleasure of the court. The court shall accumulate the records of all cases in which the sentence of death or life imprisonment without probation or parole was imposed after May 26, 1977, or such earlier date as the court may deem appropriate. The assistant shall provide the court with whatever extracted information the court desires with respect thereto, including but not limited to a synopsis or brief of the facts in the record concerning the crime and the defendant. The court shall be authorized to employ an appropriate staff, within the limits of appropriations made for that purpose, and such methods to compile such data as are deemed by the supreme court to be appropriate and relevant to the statutory questions concerning the validity of the sentence. The office of the assistant to the supreme court shall be attached to the office of the clerk of the supreme court for administrative purposes.
7. In addition to the mandatory sentence review, there shall be a right of direct appeal of the conviction to the supreme court of Missouri. This right of appeal may be waived by the defendant. If an appeal is taken, the appeal and the sentence review shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.]" ; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 9** and was joined in his request by Senators Bartle, Clemens, Griesheimer and Kennedy.

SA 9 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Quick	Wheeler--10		

NAYS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	

Absent--Senators--None

Absent with leave--Senator DePasco--1

Senator Dolan offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 23, Section 559.115, Line 1, by inserting immediately after said line the following:

"565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his [sixteenth] **seventeenth** birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted.

At the request of Senator Dolan, **SA 10** was withdrawn.

Senator Caskey moved that **SS** for **SCS** for **SB 5**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SCS** for **SB 5**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SS** for **SCS** for **SB 2**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 243** be taken up for perfection, which motion prevailed.

On motion of Senator Yeckel, **SB 243** was declared perfected and ordered printed.

Senator Steelman moved that **SB 361**, **SB 103**, **SB 156** and **SB 329**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 361**, **103**, **156** and **329**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 361, 103, 156 and 329

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof one new section relating to waste management, with an expiration date.

Was taken up.

Senator Steelman moved that **SCS** for **SBs 361, 103, 156 and 329** be adopted.

Senator Steelman offered **SS** for **SCS** for **SBs 361, 103, 156 and 329**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 361, 103, 156 and 329

An Act to repeal sections 260.273, 260.475, 260.479, 319.125, 319.127, 319.139, 393.015, 643.078, 644.016, 644.052, RSMo, and section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof forty-nine new sections relating to waste, with penalty provisions and an expiration date for a certain section.

Senator Steelman moved that **SS** for **SCS** for **SBs 361, 103, 156 and 329** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 49, Section 260.479, Line 16, by inserting after all of said line the following:

"260.830. 1. Any county of the third classification **or any county of the second classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants** may, by a majority vote of its governing body, impose a landfill fee pursuant to sections 260.830 and 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a landfill fee of (insert amount of fee per ton or volumetric equivalent of solid waste)?

YES NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. If an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, [1993] **2003**, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county. Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 63, Section 393.018, Line 1 of said page, by inserting after all of said line the following:

"640.100. 1. The safe drinking water commission created in section 640.105 shall promulgate rules necessary for the implementation, administration and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the commission after at least thirty days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536, RSMo, and an opportunity given to the public to be heard; the commission may solicit the views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the commission with respect to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9, 1998, is of no force and effect and repealed as of June 9, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to June 9, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the

general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this chapter or chapter 644, RSMo, shall affect the validity of any rule adopted and promulgated prior to June 9, 1998.

3. The commission shall promulgate rules and regulations for the certification of public water system operators, backflow prevention assembly testers and laboratories conducting tests pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow prevention assembly tester shall satisfactorily complete standard, nationally recognized written and performance examinations designed to ensure that the person is competent to determine if the assembly is functioning within its design specifications. Any such state certification shall satisfy any need for local certification as a backflow prevention assembly tester. However, political subdivisions may set additional testing standards for individuals who are seeking to be certified as backflow prevention assembly testers. Notwithstanding any other provision of law to the contrary, agencies of the state or its political subdivisions shall only require carbonated beverage dispensers to conform to the backflow protection requirements established in the National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an independent testing laboratory. The commission shall promulgate rules and regulations for collection of samples and analysis of water furnished by municipalities, corporations, companies, state establishments, federal establishments or individuals to the public. The department of natural resources or the department of health and senior services shall, at the request of any supplier, make any analyses or tests required pursuant to the terms of section 192.320, RSMo, and sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost of laboratory services, both within the department of natural resources and the department of health and senior services, laboratory certification and program administration as required by sections 640.100 to 640.140. The laboratory services and program administration fees pursuant to this subsection shall not exceed two hundred dollars for a supplier supplying less than four thousand one hundred service connections, three hundred dollars for supplying less than seven thousand six hundred service connections, five hundred dollars for supplying seven thousand six hundred or more service connections, and five hundred dollars for testing surface water. Such fees shall be deposited in the safe drinking water fund as specified in section 640.110. The analysis of all drinking water required by section 192.320, RSMo, and sections 640.100 to 640.140 shall be made by the department of natural resources laboratories, department of health and senior services laboratories or laboratories certified by the department of natural resources.

4. The department of natural resources shall establish and maintain an inventory of public water supplies and conduct sanitary surveys of public water systems. **The department shall maintain such inventory which shall be classified as follows:**

- (1) Class I - Population under one thousand;**
- (2) Class II - Population under five thousand;**
- (3) Class III - Population under ten thousand;**
- (4) Class IV - Population under twenty thousand; and**
- (5) Class V - Population over twenty thousand.**

Such records shall be available for public inspection during regular business hours.

5. (1) For the purpose of complying with federal requirements for maintaining the primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby directed to request appropriations from the general revenue fund and all other appropriate sources to fund the activities of the public drinking water program and in addition to the fees authorized pursuant to subsection 3 of this section, an annual fee for each customer service connection with a public water system is hereby authorized to be imposed upon all customers of public water systems in this state. The fees collected shall not exceed the amounts specified in this subsection and the commission may set the fees, by rule, in a lower amount by proportionally reducing all fees charged pursuant to this subsection from the specified maximum amounts. Each customer of a public water system shall pay an annual fee for each customer service connection.

(2) The annual fee per customer service connection for unmetered customers and customers with meters not greater than one inch in size shall be based upon the number of service connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections	\$2.00
1,001 to 4,000 connections	1.84
4,001 to 7,000 connections	1.67
7,001 to 10,000 connections	1.50
10,001 to 20,000 connections	1.34
20,001 to 35,000 connections	1.17
35,001 to 50,000 connections	1.00
50,001 to 100,000 connections84
More than 100,000 connections66.

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed five dollars; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed twenty-five dollars; and for customers with meters greater than four inches in size shall not exceed fifty dollars.

(4) Customers served by multiple connections shall pay an annual user fee based on the above rates for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars per year.

6. Fees imposed pursuant to subsection 5 of this section shall become effective on August 28, 1992, and shall be collected by the public water system serving the customer. The commission shall promulgate rules and regulations on the procedures for billing, collection and delinquent payment. Fees collected by a public water system pursuant to subsection 5 of this section are state fees. The annual fee shall be enumerated separately from all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to the director of the department of revenue at frequencies not less than quarterly. Two percent of the revenue arising from the fees shall be retained by the public water system for the purpose of reimbursing its expenses for billing and collection of such fees.

7. Imposition and collection of the fees authorized in subsection 5 of this section shall be suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the federally delegated authority granted to the safe drinking water program within the department of natural resources to administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not be reinstated until the first day of the calendar quarter following the quarter during which such delegated authority is reinstated.

8. Any project which receives state or federal funds pursuant to section 640.107 or 640.600 shall use the formula set forth pursuant to section 640.620 for payment of costs incurred in the planning and design of such projects.

[8.] **9.** Fees imposed pursuant to subsection 5 of this section shall expire on September 1, 2007.

640.115. 1. Every municipal corporation, private corporation, company, partnership, federal establishment, state establishment or individual supplying or authorized to supply drinking water to the public within the state shall file with the department of natural resources a certified copy of the plans and surveys of the waterworks with a description of the methods of purification, treatment technology and source from which the supply of water is derived, and no source of supply shall be used without a written permit of approval issued to the continuing operating authority by the

department of natural resources, or water dispensed to the public without first obtaining such written permit of approval. Prior to a change of permittee, the current permittee shall notify the department of the proposed change and the department shall perform a permit review.

2. Construction, extension or alteration of a public water system shall be, **pursuant to section 640.620**, in accordance with the rules and regulations of the safe drinking water commission.

3. Permit applicants shall show, as part of their application, that a permanent organization exists which will serve as the continuing operating authority for the management, operation, replacement, maintenance and modernization of the facility. Such continuing operating authority for all community water systems and nontransient, noncommunity water systems commencing operation after October 1, 1999, shall be required to have and maintain the managerial, technical and financial capacity, as determined by the department, to comply with sections 640.100 to 640.140.

4. Any community water system or nontransient, noncommunity water system against which an administrative order has been issued for significant noncompliance with the federal Safe Drinking Water Act, as amended, sections 640.100 to 640.140 or any rule or regulation promulgated thereunder shall be required to show that a permanent organization exists that serves as the continuing operating authority for the facility and that such continuing operating authority has the managerial, technical and financial capacity to comply with sections 640.100 to 640.140 and regulations promulgated thereunder. If the water system cannot show to the department's satisfaction that such continuing operating authority exists, or if the water system is not making substantial progress toward compliance, the water system's permit may be revoked. The continuing operating authority may reapply for a permit in accordance with rules promulgated by the commission.

640.605. The grants may be made to districts or communities to assist in financing, including engineering and legal service costs, specific projects for construction, original or enlargement of supply, source water protection treatment, purification, storage and distribution facilities for water systems and collection, treatment, forced mains, lift stations and disposal facilities for sewage systems, or any other item necessary for the physical operation of the water or sewage systems where grant funds are necessary to reduce the project cost per user to a reasonable level. **Any engineering or design costs shall follow the formula set forth pursuant to section 640.620.** The grants may be made to supplement funds from loan proceeds or other private or public sources when such grants are not available through any other state or federal agency.

640.615. 1. The applicant must first apply with the agency or other financial source which is to furnish the primary financial assistance, and after the amount of that assistance has been determined, an application for a grant hereunder may be made to and processed by the department of natural resources. The department of natural resources shall make the necessary rules and regulations for the consideration and processing of all grant requests, which shall generally conform to those used by federal grant and loan agencies, which rules shall be filed in the office of the secretary of state. The rules shall contain, but shall not be limited to, the following criteria:

- (1) Preliminary engineer cost study, **pursuant to the formula as set forth in section 640.620**;
- (2) Bonded indebtedness of the district or community;
- (3) The financial condition of the district or community;
- (4) The cost per connection;
- (5) The economic level in the district or community;
- (6) The ratio of contracted users to potential users, which shall not be less than seventy-five percent;
- (7) The number of acres being protected for any source water protection project.

2. No grant shall be finally approved until the applicant furnishes evidence of a commitment from the primary financial source.

640.620. In any case, the grant shall not be in excess of one thousand four hundred dollars per connection, or, in the case of a source water protection project, for more than twenty percent of the cost per acre for conservation reserve, **except when any entity provides a certified design and operation plan which is less than the average per capita cost for installations within the same population classification established pursuant to subsection 4 of section 640.100, then the certified licensed engineer or company providing such engineering or design service shall receive payment in an amount equal to the usual and customary fee for such project plus additional compensation equal to two times the percentage by which the cost of construction of such facility is less than the average per capita cost of facilities within the same population classification as set forth in subsection 4 of section 640.100, and, except as otherwise provided in this section, no district or system may receive more than one grant for any purpose in any two-year period. Such entity shall also pay to such engineer or company providing such engineering service compensation equal to twenty-five percent of the amount of any annual operational costs which are lower than the average per capita operational costs for facilities within the population classifications set forth pursuant to subsection 4 of section 640.100 for a period of time equal to one-fourth the design lifetime of such facility or five years whichever is less.** Grantees who received or who are receiving funds under the 1993-1994 special allocation for flood-impacted communities are not subject to the prohibition against receiving more than one grant during any two-year period for a period ending two years after the final grant allocation for flood-impacted communities is received by that grantee."; and

Further amend said bill, Page 79, Section 644.052, Line 20 of said page, by inserting after all of said line the following:

"644.145. 1. The commission shall develop criteria to determine "per capita average cost" for construction and operation of a wastewater or drinking water facility by an assessment of the records and financial cost for similar projects or facilities in this state within the previous seven years.

2. After the commission has developed a criteria for a "per capita average cost", the commission shall develop criteria to compensate the engineer or engineer firm for design and construction of wastewater or drinking water facilities which are lower than such per capita cost average as set forth pursuant to section 640.620, RSMo.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 1, In the Title, Line 9, by deleting the word "forty-nine" and inserting in lieu thereof the word "fifty"; and

Further amend said bill, Page 1, Section A, Line 7, by deleting the word "forty-nine" and inserting in lieu thereof the word "fifty"; and

Further amend said bill, Page 1, Section A, Line 13, by inserting after the number "204.760," the number "260.219,"; and

Further amend said bill, Page 41, Section 204.760, Line 24, by inserting after all of said line the following:

"260.219. No local government or political subdivision shall provide waste or garbage collection services outside of its boundaries."; and

Further amend said title, enacting clause, and intersectional references accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Cauthorn offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 361, 103, 156 and 329, Page 1, In the Title, Line 9, by deleting the word "forty-nine" and inserting in lieu thereof the word "forty-eight"; and

Further amend said bill, Page 1, Section A, Line 7, by deleting the word "forty-nine" and inserting in lieu thereof the word "forty-eight"; and

Further amend said bill, Page 2, Section A, Line 1, by deleting the number "393.017"; and

Further amend said bill, Pages 58 and 59, Section 393.017, by deleting all of said section; and

Further amend said title, enacting clause, and intersectional references accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Steelman offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 58, Lines 28-29 and Page 59, Lines 1-23, by striking all of said lines and inserting in lieu thereof the following:

"393.017. 1. Water service to a residence shall not be disconnected, terminated, or discontinued for nonpayment of the water bill without the service provider first providing the residential customer with thirty days advance written notice of the proposed action. The notice shall be sent to the residential customer by regular or certified mail and it shall be clearly written and shall include at least the following information: the proposed action, the proposed date of the proposed action, the cost of reconnection in the event of disconnection or termination of service, the reason for the proposed action, the exact amount of the arrearage, the address to which the customer should send payment, all actions which the residential customer must take to prevent the proposed action from occurring, and the telephone number or numbers the residential customer may call regarding the proposed action.

2. Service providers shall be allowed to recoup the cost incurred pursuant to this section for sending notice by certified mail of a proposed disconnection, termination, or discontinuation of residential water service for nonpayment of the water bill from the residential customer.

3. Any charge for reconnection of water service after disconnection, termination, or discontinuation for nonpayment pursuant to subsection 1 of this section shall only include costs which are reasonable, actual, and necessary for such reconnection."

Senator Steelman moved that the above substitute amendment be adopted, which motion failed on a standing division

vote.

SA 4 was again taken up.

Senator Childers assumed the Chair.

Senator Steelman offered **SSA 2** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 58, Lines 28-29 and Page 59, Lines 1-23, by striking all of said lines and inserting in lieu thereof the following:

"393.017. 1. Water service to a residence shall not be disconnected, terminated, or discontinued for nonpayment of the water bill without the service provider first providing the residential customer with fifteen days advance written notice of the proposed action. The notice shall be sent to the residential customer by certified mail and it shall be clearly written and shall include at least the following information: the proposed action, the proposed date of the proposed action, the cost of reconnection in the event of disconnection or termination of service, the reason for the proposed action, the exact amount of the arrearage, the address to which the customer should send payment, all actions which the residential customer must take to prevent the proposed action from occurring, and the telephone number or numbers the residential customer may call regarding the proposed action.

2. Service providers shall be allowed to recoup the cost incurred pursuant to this section for sending notice by certified mail of a proposed disconnection, termination, or discontinuation of residential water service for nonpayment of the water bill from the residential customer.

3. Any charge for reconnection of water service after disconnection, termination, or discontinuation for nonpayment pursuant to subsection 1 of this section shall only include costs which are reasonable, actual, and necessary for such reconnection."

Senator Steelman moved that the above substitute amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 62, Section 393.018, Lines 2, 6, 9, and 15, by striking "water corporation," as it appears on each of said lines.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 80, Section 644.583, Line 12 of said page, by inserting after all of said line the following:

"Section 1. 1. In letting contracts for the performance of any job or service for removal or clean up of waste, the department of natural resources, in addition to the requirements of 34.073 and 34.076, shall give preference to

any bid which comes from:

(1) A individual resident vendor who has resided in Missouri continuously for the four years immediately preceding the date on which the bid is submitted or from a partnership, association, corporation resident vendor, or from a corporation nonresident vendor which has an affiliate or subsidiary which employs a minimum of twenty state residents and which has maintained its headquarters or principal place of business within Missouri continuously for four years immediately preceding the date on which the bid is submitted, if the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than five percent of the latter bid, and if the vendor has made written claim for the preference at the time the bid was submitted.

(2) From a resident vendor, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of Missouri who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than five percent of the latter bid, and if the vendor has certified the residency requirements of this subdivision and made written claim for the preference, at the time the bid was submitted; or

(3) From a nonresident vendor, which employs a minimum of twenty state residents or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principle place of business within Missouri and which employs a minimum of twenty state residents, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees or the vendor's affiliate's or subsidiary's employees are residents of Missouri who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than five percent of the latter bid, and if the vendor has certified the residency requirements of this subdivision and made written claim for the preference, at the time the bid was submitted.

2. For any vendor which meets more than one qualifying factor contained in subsection 1 of this section the effects of such preference allowed pursuant to the provisions of subsection 1 of this section shall be cumulative."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 41, Section 204.760, Line 24, by inserting immediately after said line the following:

"250.140. 1. In the case of privately owned property, sewerage services or water and sewerage services combined shall be deemed to be furnished to [both] the occupant [and owner] of the premises receiving such service and the city, town or village or sewer district rendering such services shall have power to sue the occupant [or owner, or both,] of such real estate in a civil action to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.

[2. If the occupant of the premises receives the billing, any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service, if such owner has requested in writing to receive any notice of termination and has provided the entity rendering such service with the owner's business addresses.]" ; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Steelman moved that **SS** for **SCS** for **SBs 361, 103, 156 and 329**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **SBs 361, 103, 156 and 329**, as amended, was declared perfected and ordered printed.

Senator Gross moved that **SB 28** be taken up for perfection, which motion prevailed.

Senator Gross offered **SS** for **SB 28**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 28

An Act to repeal section 33.250, RSMo, and to enact in lieu thereof one new section relating to estimates of revenue for state budgeting purposes.

Senator Gross moved that **SS** for **SB 28** be adopted.

At the request of Senator Gross, **SB 28**, with **SS** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SS No. 2** for **SS** for **SCS** for **SB 2** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Foster offered Senate Resolution No. 535, regarding National Nurses Week, which was adopted.

Senator Shields offered Senate Resolution No. 536, regarding Garrett O'Dell III, Gower, which was adopted.

Senator Cauthorn offered Senate Resolution No. 537, regarding Larry Theerman, Macon, which was adopted.

Senator Dolan offered Senate Resolution No. 538, regarding Colonel Daniel Joseph Harlan, St. Louis, which was adopted.

Senator Vogel offered Senate Resolution No. 539, regarding James Crockett Steele, Holts Summit, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 540, regarding Fort Zumwalt R-II School District, O'Fallon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Foster introduced to the Senate, Gail Robertson and Tim Rosmarin, Poplar Bluff.

Senator Griesheimer introduced to the Senate, fourth grade students from St. Gertrude's School, Krakow.

Senator Foster introduced to the Senate, Tanya Childers and twenty-four fourth grade students and elementary scholars from Cooter.

Senator Scott introduced to the Senate, students from Northwest High School, Hughesville.

Senator Jacob introduced to the Senate, fourth grade students from Fairview Elementary School, Columbia.

Senator Mathewson introduced to the Senate, Cindy Wolstrom and twenty-nine tenth grade students from Brunswick

R-II School, Brunswick; and Kyle De Lashmutt, Paul Drewitz, Matt Stockdall, and Josh Swan were made honorary pages.

Senator Griesheimer introduced to the Senate, Mary and Adam Petton, St. Clair.

Senator Loudon introduced to the Senate, Kyli Mouser, Ballwin; and Jane Sanders, Webster Groves.

Senator Caskey introduced to the Senate, Jill Smith, and fourth grade students and sponsors from Archie Public School, Cass County; and Renee Sanders, Cory Powell, Chelsea Simms, Megan Miller, Michael Iseman, Chelsea Kirk, Lindsey Cornelius, and Matthauss Park were made honorary pages.

Senator Bray introduced to the Senate, Peter Ricks and Katharine Shapleigh with The College School, St. Louis.

On behalf of Senator Dougherty and himself, Senator Kennedy introduced to the Senate, Mayor Francis Slay, St. Louis.

Senator Dougherty introduced to the Senate, Michael Simpson and twenty-three fourth grade students from Forsyth School, St. Louis.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIRST DAY-THURSDAY, APRIL 10, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 267-Smith (118)

THIRD READING OF SENATE BILLS

SS for SCS for SB 410-Shields

SCS for SB 69-Yeckel and Nodler

(In Fiscal Oversight)

SS for SS for SCS for SBs 556 & 311-Kinder

(In Fiscal Oversight)

SS#2 for SS for SCS for

SB 2-Russell

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 362-Steelman and Gross

2. SB 184-Bartle and Scott

3. SB 38-Klindt, et al, with SCS

4. SB 241-Yeckel, with SCS

5. SB 476-Jacob

6. SB 460-Loudon

7. SBs 381, 384, 432 & 9-Dolan,

with SCS

8. SB 39-Cauthorn, et al, with SCA 1

9. SB 199-Childers, with SCS

10. SB 620-Loudon, et al, with SCS

11. SB 416-Yeckel, with SCS

12. SB 219-Steelman and Yeckel

13. SJR 13-Stoll

14. SB 555-Kinder and Foster,
with SCS

15. SB 695-Goode and Russell

16. SB 693-Klindt, et al, with SCS

17. SB 12-Kinder and Scott

18. SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with SCS

19. SB 27-Gibbons, with SCS

20. SB 209-Steelman, et al, with SCS

21. SB 685-Gibbons, et al, with SCS

22. SB 455-Dougherty and Shields

23. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484

& 581-Dolan, with SCS

24. SB 446-Bartle, with SCS

25. SB 242-Yeckel, with SCA 1

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HS for HCS for HB 321-

Wilson (130) (Loudon)

(In Fiscal Oversight)

HCS for HBs 122 & 80

(Bland)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,
with SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 28-Gross, with SS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS & SA 6 (pending)

SB 217-Champion and
Clemens, with SS (pending)

SB 253-Steelman, et al, with
SCS, SS for SCS & SA 1
(pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with
SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS, SS for

SCS & SA 2 (pending)

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2

(pending)

HOUSE BILLS ON THIRD READING

HCS for HB 221, with SCS

(Yeckel)

HB 412-Goodman, et al

(Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

(In Fiscal Oversight)

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and Parker
(Dolan)

HB 292-Wagner

HB 358-Boykins

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al, with

SCS (Childers)

HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 3-Loudon

SCR 6-Stoll

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY--THURSDAY, APRIL 10, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Man cannot fulfill his destiny alone..." (Elizabeth Cady Stanton)

Almighty God, we acknowledge that if we try to do everything ourselves we will fail. But You have given others here to help us as we struggle together and if we can acknowledge our weaknesses and dependency on You, You will guide and aid our hearts and minds to do what must be accomplished. Lord, watch our "going out and coming in" bringing us home safely to our loved ones. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

Senator Shields assumed the Chair.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 541, regarding the Eightieth Birthday of Dr. Jacob Albert "Jay" Kress, Jr., Hillsboro, which was adopted.

Senator Stoll offered Senate Resolution No. 542, regarding the Missouri National Education Association (MNEA),

which was adopted.

CONCURRENT RESOLUTIONS

Senators Cauthorn, Coleman, Kinder, Childers, Gross, Clemens, Yeckel, Scott and Kennedy offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 17

WHEREAS, faith-based and community organizations are currently providing quality social services and making a positive difference in the communities they serve; and

WHEREAS, faith-based and community organizations are serving their communities in areas such as the prevention and treatment of juvenile delinquency, child care services, support services for the elderly, the prevention of crime, the intervention in and prevention of domestic violence, and a number of other social service areas; and

WHEREAS, some of these faith-based and community organizations are currently receiving funds from federal government, or through a state, city, or local government that itself receives federal funds, to carry out their missions; and

WHEREAS, because of the quality services provided by these organizations, it is important for the state and local governments to utilize their services by working in partnership with faith-based and community organizations; and

WHEREAS, faith-based and community organizations that currently work in partnership with local governments or judicial circuits are doing so within the framework of the Constitutional church-state guidelines:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby express their gratitude to faith-based and community organizations working in their communities to improve the lives of the citizens of this state; and

BE IT FURTHER RESOLVED that we support the mission of faith-based and community organizations to provide social services to improve the lives of our citizens; and

BE IT FURTHER RESOLVED that we support and encourage the state and all local governments to work in partnership with faith-based and community organizations to provide quality social services that improve the lives of so many of our citizens in particular and better our society in general; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the presiding judge of each judicial circuit in this state, and to the director of each state department.

Senators Mathewson and Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 18

To establish a Joint Interim Committee on Community Health.

WHEREAS, growing concerns and complexities of health issues in this state have lead to higher costs of administration and implementation of health care; and

WHEREAS, the manner in which health care is currently administered at the state level is fragmented and often unresponsive to health care issues; and

WHEREAS, the responsibility for health care policy, purchasing, planning, and regulation is spread among many different agencies and departments; and

WHEREAS, there is a need to have a central agency serve as the lead planning state entity for all health insurance and pharmacy benefit issues in the state to remedy the current situation; and

WHEREAS, the state could benefit from maximizing its purchasing power inasmuch as the state now has none of its health care purchasing coordinated; and

WHEREAS, minimizing the duplication and maximizing the administrative efficiency in the state's health care systems by removing overlapping functions and streamlining uncoordinated programs would lead to increased cost savings to the state in a time of fiscal uncertainty; and

WHEREAS, the state has a need to develop a better health care infrastructure that is more responsive to the consumers it serves while improving access to and coverage for health care:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create a joint interim committee to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, whereof at least three members from each house shall be from the minority party to conduct a study to determine the feasibility of achieving the objectives of decreasing health insurance costs to all state employees and streamlining state medicaid programs to achieve cost savings, as well as the other objectives expressed herein; and

BE IT FURTHER RESOLVED THAT THE JOINT COMMITTEE AND ITS MEMBERS SHALL HAVE NO CONTACT, WRITTEN OR ORAL, WITH THE UNIVERSITY OF MISSOURI OR ANY EMPLOYEES THEREOF; AND

BE IT FURTHER RESOLVED THAT THE JOINT COMMITTEE SHALL BE PROHIBITED FROM REQUESTING ANY RESEARCH OR INFORMATION FROM THE UNIVERSITY OF MISSOURI OR ANY EMPLOYEE THEREOF; AND

BE IT FURTHER RESOLVED that the joint committee shall call its first meeting within fifteen days of the signing by the Governor of this concurrent resolution; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the joint committee shall perform a study of the feasibility and economic impact of achieving the objectives provided herein for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-second General Assembly; the study analysis shall include, but not be limited to, the following:

- (1) An inventory of current health care and pharmacy benefit plans and related programming offered to state retirees and their dependents and state beneficiaries and their dependents;
- (2) The financial feasibility and programming implications of integrating benefit plans, or portions thereof, to achieve financial economies to the state and state retirees and their dependents and state beneficiaries and their dependents;
- (3) A prioritized analysis of infrastructure and appropriations necessary to adequately implement any joint committee recommendation; and
- (4) If, by a majority vote of the members of the joint committee, a determination is made that one of the existing health or pharmacy benefit plans of one of the member agencies, or any part thereof, would be better served by being excluded from the Division of Community Health, such determination and a detailed analysis thereof shall be included; and

BE IT FURTHER RESOLVED that the joint committee shall be authorized to contract for consulting services, subject to appropriation, to assist with the requirements of the study; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor of Missouri.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Lanny L. Meng, as a member of the Safe Drinking Water Commission;

Also,

Kathryn F. Swan, as a member of the Coordinating Board for Higher Education;

Also,

Gail L. Robertson, as a member of the Southeast Missouri State University Board of Regents;

Also,

Linda K. Conner, as a member of the Missouri State Board of Nursing;

Also,

Donna L. Gunning, as a member of the Missouri Head Injury Advisory Council;

Also,

Michael Ricardo Brown, as a public member of the Missouri Real Estate Commission;

Also,

Brenda Nolte, as a member of the Missouri Community Service Commission;

Also,

K. Sue Rourk King, as a member of the State Fair Commission;

Also,

William D. Owens, M.D., as a member of the State Board of Registration for the Healing Arts;

Also,

William A. Markland, as a member of the Missouri Board of Occupational Therapy;

Also,

Jesse C. Caudle, as a member of the Missouri Training and Employment Council.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which were referred **SB 415**, **SB 88**, **SB 200**, **SB 223**, **SB 413**, **SB 523**, **SB 589** and **SB 626**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 390**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 380**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HCS** for **HB 289**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HCS** for **HBs 349, 120, 136 and 328**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 564**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 236**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 458**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 8

Relating to changing the name of the St. Louis Central Office of the Division of Workforce Development to the "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development".

WHEREAS, Nathaniel J. "Nat" Rivers served the people of the City of St. Louis as a member of the Missouri House of Representatives beginning in 1969, and he continued to serve for the next fourteen years; and

WHEREAS, Nat Rivers was born in Cache, Illinois and educated at Sumner High School in Cairo, Illinois, Southern Illinois University at Carbondale and St. Louis University; and

WHEREAS, Nat Rivers, a real estate and insurance broker, was very active in his community, and served on the Board of Directors of Mid-City

Rental Company, Union Sarah Community Corporation, West Side Redevelopment Corporation, West End Congress, Union-Sarah Economic Development Corporation and West Side Community Gardens; and

WHEREAS, Nat Rivers was recognized for his contributions to the St. Louis community through numerous awards, including the St. Louis Citizens Award in Community Service in 1979, the Harris-Stowe College Award in recognition for his concern for Higher Education and Human Development in 1978, and the Dr. Martin Luther King Jr. Human Rights Award in 1979; and

WHEREAS, such awards only begin to recognize Nat Rivers' true accomplishments and contributions to the citizens of St. Louis and the State of Missouri; and

WHEREAS, the most appropriate way to recognize an individual of Nat Rivers' stature is to name a public building after him; and

WHEREAS, the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, has no proper name; and

WHEREAS, this St. Louis Central Office provides much needed community services to persons in the St. Louis area, including job service and development, job corps, work opportunity and welfare-to-work information, job training assistance, veterans service and unemployment benefit information; and

WHEREAS, Nat Rivers' contributions and service to the community of St. Louis are exemplary and distinguished:

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, proclaims that the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, be hereby named the "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development", and that a sign or signs of appropriate size, lettering and design be constructed and placed on said office property with the name "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development" on said sign, which shall be readily legible from the street; and

BE IT FURTHER RESOLVED that the Director of the Department of Economic Development shall promptly notify those members of the General Assembly whose constituents are served by the Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development, the Secretary of the Senate and the Chief Clerk of the House of Representatives with the date in which said sign or signs are to be placed on the property; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 9**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 5**; and **SB 243**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Bartle assumed the Chair.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 410**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 410

An Act to repeal sections 191.831, 302.304, 302.540, 577.041, 577.049, and 577.520, RSMo, and to enact in lieu thereof six new sections relating to substance abuse traffic offender program.

Was taken up.

On motion of Senator Shields, **SS** for **SCS** for **SB 410** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Wheeler--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Shields assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 221**, with **SCS**, entitled:

An Act to repeal sections 59.163, 59.800, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 369.159, 400.1-103, 400.3-102, 400.4-102, 400.9-525, 400.9-626, 407.433, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.557, 408.653, and 408.654, RSMo, and to enact in lieu thereof twenty-six new sections relating to banking, with an emergency clause for a certain section and penalty provisions.

Was called from the Informal Calendar and taken up by Senator Yeckel.

SCS for **HCS** for **HB 221**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 221

An Act to repeal sections 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 369.159, 400.9-525, 407.433, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.557, 408.653, and 408.654, RSMo, and to enact in lieu thereof twenty-two new sections relating to banking, with an effective date for a certain section and penalty provisions.

Was taken up.

Senator Yeckel moved that **SCS** for **HCS** for **HB 221** be adopted.

Senator Yeckel offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 221, Page 37, Section 408.557, Lines 1-7, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SCS** for **HCS** for **HB 221**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **HCS** for **HB 221**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Russell--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 159**, with **SCS**; **SCS** for **SB 69**; and **SS** for **SS** for **SCS** for **SBs 556** and **311**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 312**, **SB 49**, **SB 111**, **SB 113**, **SB 191**, **SB 206**, **SB 263**, **SB 404**, **SB 409**, **SB 418**, **SB 538**, **SB 550** and **SB 584**, begs leave to

report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

THIRD READING OF SENATE BILLS

SCS for **SB 69**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 69

An Act to amend chapter 620, RSMo, by adding thereto eight new sections relating to small businesses.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, **SCS** for **SB 69** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland Mathewson--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SS** for **SCS** for **SBs 556** and **311**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 556 and 311

An Act to repeal sections 197.725, 198.006, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.086, 198.105, 198.525, 198.526, 198.532, 344.050, 565.186, 570.145, 630.140, 630.165, 630.167, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, 660.320, and 660.603, RSMo, and to enact in lieu thereof forty-one new sections relating to the protection of the elderly, with penalty provisions and an expiration date for a certain section.

Was taken up by Senator Kinder.

President Maxwell assumed the Chair.

On motion of Senator Kinder, **SS** for **SS** for **SCS** for **SBs 556** and **311** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Shields	Steelman	Stoll
Vogel	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Russell	Scott	Wheeler--3	
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Gibbons requested unanimous consent of the Senate, to correct the Senate Journal for Tuesday, April 8, 2003, Page 704, Column 2, Line 3, by adding after the word "department" the words "or in criminal proceedings", which request was granted.

REFERRALS

President Pro Tem Kinder referred **SB 243** and **SS** for **SCS** for **SB 5** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 511**, entitled:

An Act to repeal sections 115.027, 115.073, 115.074, 115.076, 115.085, 115.098, 115.103, 115.105, 115.107, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.761, 115.801, 116.175, and 116.190, RSMo, and to enact in lieu thereof thirty-four new sections relating to elections, with a penalty provision in a certain section.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 444**, entitled:

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of the gaming commission fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 470**, entitled:

An Act to repeal section 195.417, RSMo, and to enact in lieu thereof one new section relating to the sale of products containing methamphetamine precursors, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 543, regarding Larry "Tuna" Hentges, Jefferson City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Debra Halter and fifty students from St. John the Baptist School, St. Louis.

Senator Griesheimer introduced to the Senate, students from the Warrenton Christian Church, Warrenton.

Senator Kinder introduced to the Senate, Alma Schrader and sixty fourth grade students from Cape Girardeau.

Senator Dougherty introduced to the Senate, Ashley Johnson, Timothy Wells, and twelve representatives of the Herbert Hoover Boys

and Girls Club from around the state.

Senator Gross introduced to the Senate, Angela Rosell, Renee Kruger, and fifty seventh grade students from Zion Lutheran School, St. Charles.

Senator Stoll introduced to the Senate, Kathy Wieter and seventh grade students from St. Joseph School, Imperial; and Sally Bechel, Josh Ritchey, Amanda Neckhorn, and Keith Kennedy were made honorary pages.

On behalf of Senators Dougherty, Coleman, and himself, Senator Kennedy introduced to the Senate, Father Leo Spezia, Megan Judge, Amanda Berning, and Carm Huston, St. Louis.

Senator Kinder introduced to the Senate, Lynn and Dorothy Bruce, Charleston.

Senator Loudon introduced to the Senate, Mary Beth Chik and students from St. Lawrence the Martyr School, Bridgeton; and Theresa Tobin, Robert Padberg, Mary Wiese, Brian Patrick, and Tony Lucchesi were made honorary pages.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Joel Johnson, Columbia.

On motion of Senate Gibbons, the Senate adjourned until 2:00 p.m., Monday, April 14, 2003.

SENATE CALENDAR

FIFTY-SECOND DAY-MONDAY, APRIL 14, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 267-Smith (118)

HS for HB 511-Deeken

HB 444-Jackson

HS for HB 470-Mayer

THIRD READING OF SENATE BILLS

SS#2 for SS for SCS for

SB 2-Russell

(In Fiscal Oversight)

SS for SCS for SB 5-Caskey

(In Fiscal Oversight)

SB 243-Yeckel

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 362-Steelman and Gross
2. SB 184-Bartle and Scott
3. SB 38-Klindt, et al, with SCS
4. SB 241-Yeckel, with SCS
5. SB 476-Jacob
6. SB 460-Loudon
7. SBs 381, 384, 432 & 9-Dolan,
with SCS
8. SB 39-Cauthorn, et al, with
SCA 1
9. SB 199-Childers, with SCS
10. SB 620-Loudon, et al, with SCS
11. SB 416-Yeckel, with SCS
12. SB 219-Steelman and Yeckel
13. SJR 13-Stoll
14. SB 555-Kinder and Foster,
with SCS
15. SB 695-Goode and Russell
16. SB 693-Klindt, et al, with SCS
17. SB 12-Kinder and Scott
18. SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with SCS

19. SB 27-Gibbons, with SCS
20. SB 209-Steelman, et al, with SCS
21. SB 685-Gibbons, et al, with
SCS
22. SB 455-Dougherty and Shields
23. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS
24. SB 446-Bartle, with SCS
25. SB 242-Yeckel, with SCA 1
26. SBs 415, 88, 200, 223, 413, 523,
589 & 626-Yeckel, with SCS
27. SB 564-Gross
28. SB 236-DePasco and Loudon
29. SB 458-Childers
30. SBs 312, 49, 111, 113, 191, 206,
263, 404, 409, 418, 538, 550
& 584-Dolan, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HS for HCS for HB 321-

Wilson (130) (Loudon)

(In Fiscal Oversight)

HCS for HBs 122 & 80 (Bland)

HCS for HB 390, with SCS

HCS for HB 380, with SCS

HCS for HB 289, with SCS

(Steelman)

HS for HCS for HBs 349, 120,

136 & 328-Crawford

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 28-Gross, with SS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 217-Champion and

Clemens, with SS (pending)

SB 253-Steelman, et al,

with SCS, SS for SCS &

SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman,

with SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS,

SS for SCS & SA 2 (pending)

SB 450-Mathewson, et al, with SCS,

SS for SCS & SA 2 (pending)

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al

(Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and

Parker (Dolan)

HB 292-Wagner (Stoll)

HB 358-Boykins (Coleman)

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al,

with SCS (Childers)

HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer (Bartle)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

SCR 17-Cauthorn, et al

SCR 18-Mathewson and
Steelman

Reported from Committee

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)

SCR 3-Loudon

SCR 6-Stoll

SCR 8-Dougherty, with SCS

SCR 9-Shields and Gibbons

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY--MONDAY, APRIL 14, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

Reverend Carl Gauck offered the following prayer:

"I have told the glad news of deliverance." (Psalm 40:9)

Gracious God, we are thankful that You have provided us time to de-stress and time to be in the comfort of those we love. We are grateful that You provide us with those things we need and guide us along right pathways. Bless us this week to continue the work that must be completed and help us to spend time efficiently. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 10, 2003, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 544, regarding the One Hundred Second Birthday of Mary Pinkard, Canton, which was adopted.

Senator Cauthorn offered Senate Resolution No. 545, regarding the One Hundred First Birthday of Viola Kathleen Magruder, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 546, regarding the Missouri Corn Growers Association, which was adopted.

Senator Cauthorn offered Senate Resolution No. 547, regarding Hazel Bledsoe Smith, Kahoka, which was adopted.

Senator Cauthorn offered Senate Resolution No. 548, regarding the 2002-2003 NCAA Division II Womens Swimming and Diving Champions from Truman State University, which was adopted.

Senator Scott offered Senate Resolution No. 549, regarding Janice Hogan, Humansville, which was adopted.

Senator Scott offered Senate Resolution No. 550, regarding Mark Ehrich, Humansville, which was adopted.

Senator Scott offered Senate Resolution No. 551, regarding Margarette Payne, Humansville, which was adopted.

On behalf of Senator DePasco, Senator Quick offered Senate Resolution No. 552, regarding Wesley Nelson, Kansas City, which was adopted.

On behalf of Senator DePasco, Senator Quick offered Senate Resolution No. 553, regarding Seth Wycoff, Greenwood, which was adopted.

Senator Bray offered Senate Resolution No. 554, regarding Betsy Wack, Clayton, which was adopted.

Senator Foster offered Senate Resolution No. 555, regarding Thomas Joshua Neal, Poplar Bluff, which was adopted.

Senator Vogel offered Senate Resolution No. 556, regarding Christopher John Lloyd, Jefferson City, which was adopted.

Senator Champion offered Senate Resolution No. 557, regarding Dr. Nancy Colbaugh, Springfield, which was adopted.

Senator Days offered Senate Resolution No. 558, regarding Pearlie Williams, Flordell Hills, which was adopted.

Senator Caskey offered Senate Resolution No. 559, regarding the Class IA State Football Champions from Adrian High School, Adrian, which was adopted.

Senator Scott offered Senate Resolution No. 560, regarding Rebecca Legan, Halfway, which was adopted.

Senator Klindt offered Senate Resolution No. 561, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cash Shultz, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 562, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. R. Wayne Griffin, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 563, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leo Ewigman, Marceline, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 28**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 28** was again taken up.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 28, Page 1, Section 33.250, Line 19, by inserting at the end of said line the following: "**the final budget submitted by the Governor to the general assembly shall not exceed ninety-eight percent of the net estimate of general revenue as determined in this subsection.**"; and

Further amend said bill, and section, Page 2, Line 3, by deleting the words "**the lesser of:**" and inserting in lieu thereof

the following: "**ninety-eight percent of the net estimate of general revenue as determined in accordance with subsection one of this section.**"; and

Further amend said bill, section and page, Lines 4 to 11, by striking all of said lines.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Gross, **SB 28**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Steelman, **SB 362** was placed on the Informal Calendar.

Senator Bartle moved that **SB 184** be taken up for perfection, which motion prevailed.

On motion of Senator Bartle, **SB 184** was declared perfected and ordered printed.

Senator Klindt moved that **SB 38**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 38**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 38

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the establishment of the Missouri biomass technology commission, with an expiration date.

Was taken up.

Senator Klindt moved that **SCS** for **SB 38** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 38** was declared perfected and ordered printed.

Senator Yeckel moved that **SB 241**, with **SCS**, be taken up for perfection, which motion prevailed.

At the request of Senator Yeckel, **SB 241**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Jacob, **SB 476** was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Shields moved that **SCR 9** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SCR 9** was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Stoll	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			

Cauthorn	Scott--2
	Absent with leave--Senators
Bland	DePasco--2

Senator Dougherty moved that **SCR 8**, with **SCS**, be taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SCR 8** was taken up.

Senator Dougherty moved that **SCS** for **SCR 8** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **SCR 8** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Scott--2		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the concurrent resolution passed.

On motion of Senator Dougherty, title to the concurrent resolution was agreed to.

Senator Dougherty moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Stoll moved that **SCR 6** be taken up for adoption, which motion prevailed.

On motion of Senator Stoll, **SCR 6** was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Mathewson	Scott--4

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nelson C. Grumney, Jr., Republican, 50 Briarcliff, St. Louis City, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2004, and until his successor is duly appointed and qualified; vice, William Ross, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Deanne Lynn Hackman, 203 E. Union, P.O. Box 611, Macon, Macon County, Missouri 63552, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2005, and until her successor is duly appointed and qualified; vice, RSMo 261.235.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karl E. Hewlett, 4844 E. Kingwood, Springfield, Greene County, Missouri 65809, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2005, and until his successor is duly appointed and qualified; vice, RSMo 261.235.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Darwin A. Hindman, Democrat, 1223 Frances Drive, Columbia, Boone County, Missouri 65203-2317, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2006, and until his successor is duly appointed and qualified; vice, David Childers, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark Kelley, P.O. Box 69, Essex, Stoddard County, Missouri 63846, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2006, and until his successor is duly appointed and qualified; vice, RSMo 261.235.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen F. McKaskle, 25 Washington, P.O. Box 10, Braggadocio, Pemiscot County, Missouri 63826, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2006, and until his successor is duly appointed and qualified; vice, RSMo 261.235.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John F. Morrison, 3501 Southern Hills Drive, Fremont Hills, Christian County, Missouri 65714, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2007, and until his successor is duly appointed and qualified; vice, RSMo 261.235.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dubart (Nip) J. Neidert, 3701 Fairway Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2007, and until his successor is duly appointed and qualified; vice, RSMo 261.235.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Catherine L. Pasierb, 1251 Rockwood Forest Drive, Arnold, Jefferson County, Missouri 63010, as a member of the State Committee for Social Workers, for a term ending October 23, 2006, and until her successor is duly appointed and qualified; vice, Jonathon D. Finck, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joann K. Pipkin, 3674 S. State Highway N, Republic, Greene County, Missouri 65738, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2006, and until her successor is duly appointed and qualified; vice, RSMo 261.235.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donna M. Powell, 1136 Lancaster Drive, St. Charles, St. Charles County, Missouri 63301, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2007, and until her successor is duly appointed and qualified; vice, RSMo 261.235.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jason W. Ware, 6817 Culpepper, St. Louis, St. Louis County, Missouri 63033, as a member of the Harris-Stowe State College Board of Regents, for a term ending May 30, 2005, and until his successor is duly appointed and qualified; vice, Calvin Thomas, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HB 511**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 444--Financial and Governmental Organization, Veterans' Affairs and Elections.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 289**, with **SCS**; and **HS** for **HCS** for **HBs 349, 120, 136** and **328** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred **SCR 17** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 18--Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 28**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Jacob offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 28, Page 1, Section 33.250, Line 19 of said page, by inserting at the end of said line the following: "**The senate and the house of representatives shall each prepare an estimate of general revenue concurrently with the governor pursuant to this subsection. If the revenue estimates of the senate, the house of representatives, and the governor are the same, then such estimate shall be used to determine appropriation levels in accordance with subsection 2 of this section. If the revenue estimates of one legislative body and the governor are the same, then such estimate shall be used to determine appropriation levels in accordance with subsection 2 of this section. If the senate, the house of representatives, and the governor cannot agree on a revenue estimate, then the lowest net estimate of general revenue prepared by the senate, the house of representatives, or the governor shall be used to determine appropriation levels in accordance with subsection 2 of this section, provided that said estimate shall not be more than one percent lower than the second lowest estimate. In such case the revenue estimate to be used shall be the second lowest estimate. The final budget submitted by the governor to the general assembly shall not exceed ninety-eight percent of the net estimate of general revenue as determined in this subsection.**"; and

Further amend said bill, Page 2, Section 33.250, Lines 3-11 of said page, by striking all of said lines and inserting in lieu thereof the following: "**year shall not exceed the lesser of ninety-eight percent of the net estimate of general revenue as determined in accordance with subsection 1 of this section.**"; and further amend line 17 of said page, by striking the word "Fifty" and inserting in lieu thereof the following: "**One hundred**"; and further amend lines 20-23 of said page, by striking all of said lines and inserting in lieu thereof the following: "**fiscal year or any subsequent fiscal year. The state treasurer**".

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted, which motion prevailed.

Senator Gross moved that **SS** for **SB 28**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SB 28**, as amended, was declared perfected and ordered printed.

Senator Loudon moved that **SB 460** be taken up for perfection, which motion prevailed.

Senator Loudon offered **SS** for **SB 460**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 460

An Act to repeal section 376.995, RSMo, and to enact in lieu thereof eight new sections relating to mandated benefits for health insurance, with an emergency clause.

Senator Loudon moved that **SS** for **SB 460** be adopted.

Senator Shields assumed the Chair.

Senator Cauthorn offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 460, Page 1, In the Title, Lines 2 and 3, by striking the following:
"mandated benefits for health"; and

Further amend said bill, page 11, Section 376.1595, line 23, by inserting immediately after said line the following:

"383.600. 1. Sections 383.600 to 383.655 shall be known as the "Missouri Medical Malpractice Mutual Insurance Company Act".

2. As used in sections 383.600 to 383.655 the following words mean:

- (1) "Administrator", the chief executive officer of the Missouri medical malpractice mutual insurance company;**
- (2) "Board", the board of directors of the Missouri medical malpractice mutual insurance company;**
- (3) "Company", the Missouri medical malpractice mutual insurance company.**

383.610. The "Missouri medical malpractice mutual Insurance Company" is created as an independent public corporation for the purpose of insuring Missouri physicians and their employees and their medical practice against liability for professional malpractice. The company shall be organized and operated as a domestic mutual insurance company and it shall not be a state agency. The company shall have the powers granted a general not-for-profit corporation pursuant to section 355.131, RSMo. The company shall be a member of the Missouri property and casualty guaranty association, sections 375.771 to 375.799, RSMo, and as such will be subject to assessments therefrom, and the members of such association shall bear responsibility in the event of the insolvency of the company. The company shall be established pursuant to the provisions of sections 383.600 to 383.655.

383.615. 1. There is hereby created a board of directors for the company. The board shall be appointed by January 1, 2004, and shall consist of seven members appointed or selected as provided in this section. The governor shall appoint the initial seven members of the board with the advice and consent of the senate. Each director shall serve a seven-year term. Terms shall be staggered so that no more than one director's term expires each year on the first day of July. The seven directors initially appointed by the governor shall determine their initial terms by lot. At the expiration of the term of any member of the board, the company's policy holders shall elect a new director in accordance with provisions determined by the board. Provided, however, three directors of the board shall be appointed by the governor.

2. Any person may be a director who:

- (1) Does not have any interest as a stockholder, employee, attorney, agent, broker, or contractor of an insurance entity who writes medical liability insurance, or whose affiliates write medical liability insurance;**
- (2) Is of good moral character and who has never pleaded guilty to, or been found guilty of a felony;**
- (3) Is not employed by or affiliated with, the state of Missouri, any hospital, health maintenance organization, or other entity providing any type of insurance in this state.**

3. There shall be one member of the board of directors from any city not within a county or any county with a charter form of government and with more than one million inhabitants, one member of the board of directors from any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants or any county of the first classification with more than one hundred

eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, and one member of the board of directors from any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, with the remaining members of the board from the other counties in this state. Further, one member shall be a doctor of osteopathic medicine duly licensed to practice in the state of Missouri, one member shall be a medical doctor licensed to practice in this state, one member shall be an attorney licensed to practice by the Missouri supreme court, and one member shall have management experience in the operation of an insurance company.

4. The board shall annually elect a chairman and any other officers it deems necessary for the performance of its duties. Board committees and subcommittees may also be formed.

5. The company shall pay to the board members their expenses incurred in the business of the company or the board and a stipend in a sum set by the board, but not more than one thousand dollars per meeting or the board or committee or subcommittee thereof attended by the member.

383.620. 1. By January 1, 2004, the board shall hire an administrator who shall serve at the pleasure of the board and the company shall be fully prepared to be in operation by July 1, 2004, and assume its responsibilities by that date. The administrator shall receive compensation as established by the board and must have such qualifications as the board deems necessary. The administrator shall not be a physician.

2. The board is vested with full power, authority and jurisdiction over the company. The board may perform all acts necessary or convenient in the administration of the company or in connection with the insurance business to be carried on by the company. In this regard, the board is empowered to function in all aspects as a governing body of a private insurance carrier.

383.625. 1. The administrator of the company shall act as the company's chief executive officer. The administrator shall be in charge of the day-to-day operations and management of the company.

2. Before entering the duties of office, the administrator shall give an official bond in an amount and with sureties approved by the board. The premium for the bond shall be paid by the company.

3. The administrator or the administrator's designee shall be the custodian of the moneys of the company and all premiums, deposits, or other moneys paid thereto shall be deposited with a financial institution as designated by the administrator.

4. No board member, officer, or employee of the company is liable in a private capacity for any act performed or obligation entered into when done in good faith, without intent to defraud, and in an official capacity in connection with the administration, management, or conduct of the company or affairs relating to it.

383.630. The board shall have full power and authority to establish rates to be charged by the company for insurance. The board shall contract for the services of or hire an independent actuary, a member in good standing with the American Academy of Actuaries, to develop and recommend actuarially sound rates. Rates shall be set at amounts sufficient, when invested, to carry all claims to maturity, meet the reasonable expenses of conducting the business of the company and maintain a reasonable surplus. The company shall conduct a program that shall be neither more nor less than self-supporting.

383.635. The board shall formulate and adopt an investment policy and supervise the investment activities of the company. The administrator may invest and reinvest the surplus or reserves of the company subject to the limitations imposed on domestic insurance companies by state law. The company may retain an independent investment counsel. The board shall periodically review and appraise the investment strategy being followed and the effectiveness of such services. Any investment counsel retained or hired shall periodically report to the board on investment results and related matters.

383.640. Any insurance producer licensed to sell professional negligence insurance in this state shall be authorized to sell insurance policies for the company in compliance with the bylaws adopted by the company

and upon the approval of the board. The board shall establish a schedule of commissions to pay for the services of the producer.

383.645. 1. The administrator shall formulate, implement, and monitor a program to decrease medical negligence by physicians and their staff for all policyholders.

2. The company shall have representatives whose sole purpose is to develop, with policyholders and the professional organizations related to the medical field, education and training seminars and other programs that provide training to physicians and their staffs.

3. The administrator or board may refuse to insure, or may terminate the insurance of any subscriber who refuses to attend such seminars or training or refuses to require their staff to attend such seminars or training as required by the board for its policyholders. The administrator or board may also refuse to insure, or may terminate the insurance of any subscriber who refuses to follow the practice patterns of the company. The cost of said training seminars or a part thereof may be paid by the company.

383.650. 1. The company shall not receive any state appropriations, directly or indirectly, except as provided in this section.

2. After October 1, 2003, the treasurer of the state of Missouri may make one or more loans to the company in an amount not to exceed an aggregate amount of ten million dollars from the fund maintained by the treasurer for start-up funding and initial capitalization of the company. The state legislature shall place such sum of funds in a special fund under the supervision of the Missouri state treasurer called the "Missouri Medical Malpractice Mutual Insurance Company Loan Fund" in the appropriations for fiscal year 2003-2004. The board of the company shall make application to the treasurer for the loans, stating the amount to be loaned to the company. The loans shall be for a term of ten years and, at the time the application for such loans is approved by the director, shall bear interest at the annual rate based on the rate for linked deposit loans as calculated by the state treasurer pursuant to section 30.758, RSMo.

3. In order to provide funds for the creation, continued development, and operation of the company, the board is authorized to issue revenue bonds from time to time, in a principal amount outstanding not to exceed fifty million dollars at any given time, payable solely from premiums received from insurance policies and other revenues generated by the company.

4. The board may issue bonds to refund other bonds issued pursuant to this section.

5. The bonds shall have a maturity of no more than ten years from the date of issuance. The board shall determine all other terms, covenants, and conditions of the bonds, except that no bonds may be redeemed prior to maturity unless the company has established adequate reserves for the risks it has insured.

6. The bonds shall be executed with the manual or facsimile signature of the administrator or the chairman of the board and attested by another member of the board. The bonds may bear the seal, if any, of the company.

7. The proceeds of the bonds and the earnings of those proceeds shall be used by the board for the development and operation of the company, to pay expenses incurred in the preparation, issuance, and sale of the bonds and to pay any obligations relating to the bonds and the proceeds of the bonds under the United States Internal Revenue Code of 1986, as amended.

8. The bonds may be sold at a public sale or a private sale. If the bonds are sold at a public sale, the notice of sale and other procedures for the sale shall be determined by the administrator or the company.

9. This section is full authority for the issuance and sale of the bonds and the bonds shall not be invalid for any irregularity or defect in the proceedings for their issuance and sale and shall be incontestable in the hands of bona fide purchasers or holders of the bonds for value.

- 10. An amount of money from the sources specified in subsection 3 of this section sufficient to pay the principal of and any interest on the bonds as they become due each year shall be set aside and is hereby pledged for the payment of the principal and interest on the bonds.**
- 11. The bonds shall be legal investment for any person or board charged with the investment of public funds and may be accepted as security for any deposit of public money, and the bonds and interest thereon are exempt from taxation by the state and any political subdivision or agency of the state.**
- 12. The bonds shall be payable by the company, which shall keep a complete record relating to the payment of the bonds.**
- 13. Not more than fifty percent of the bonds sold shall be sold to public entities.**
- 14. Nothing in this section shall prevent the board of the company from borrowing funds from private financial institutions in order to create, develop, or operate the company.**
- 383.655. 1. The board shall cause an annual audit of the books of accounts, funds, and securities of the company to be made by a competent and independent firm of certified public accountants, the cost of the audit to be charged against the company. A copy of the audit report shall be filed with the director of the department of insurance and the administrator. The audit shall be open to the public for inspection.**
- 2. The board shall submit an annual independently audited report in accordance with the procedures governing annual reports adopted by the National Association of Insurance Commissioners by March first of each year and the report shall be delivered to the governor and the general assembly and shall indicate the business done by the company during the previous year and contain a statement of the resources and liabilities of the company.**
- 3. The administrator shall annually submit to the board for its approval an estimated budget of the entire expense of administering the company for the succeeding calendar year having due regard to the business interests and contract obligations of the company.**
- 4. The incurred loss experience and expense of the company shall be ascertained each year to include, but not be limited to, estimates of outstanding liabilities for claims reported to the company but not yet paid and liabilities for claims arising from injuries which have occurred but have not yet been reported to the company. If there is an excess of assets over liabilities, necessary reserves and a reasonable surplus for the catastrophe hazard, then a cash dividend may be declared or a credit allowed to an insured policyholder, who has been insured with the company in accordance with criteria approved by the board, which may account for insured's record and claims history.**
- 5. The department of insurance shall conduct an examination for the company in the manner and under the conditions provided by the statutes of the insurance code for the examination of insurance carriers. The board shall pay the cost of the examination as an expense of the company. The company is subject to all provisions of the statutes which relate to private insurance carriers and to the jurisdiction of the department of insurance in the same manner as private insurance carriers, except as provided by the director.**
- 6. For the purpose of ascertaining such information as the administrator may require in the proper administration of the company, the records of each policyholder and insured of the company shall be always open to inspection by the administrator or the administrator's duly authorized agent or representative.**
- 7. Every person provided insurance coverage by the company, upon complying with the underwriting standards adopted by the company, and upon completing the application form prescribed by the company, shall be furnished with a policy showing the date on which the insurance becomes effective."; and**

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

At the request of Senator Loudon, **SB 460**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 93**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 97**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 199**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 244**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 307**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 318**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 326**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 351**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 375**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 463**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 472**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 552**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 574**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 594**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 512**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 464**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 477**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 440**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 376**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS for HB 332**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS for HB 202**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS for HBs 59 and 269**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 445**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Trans-portion, to which was referred **HB 597**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HCS for HB 245**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 162**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 284**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 261**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 249**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 247**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HCS** for **HB 392**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HB 505**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 57**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 60**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator Gibbons submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 465**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HS** for **HCS** for **HB 321**; and **SS No. 2** for **SS** for **SCS** for **SB 2**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 361, 103, 156 and 329; SB 184**; and **SCS** for **SB 38**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SB 184** and **SS** for **SCS** for **SBs 361, 103, 156 and 329** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 564, regarding Larry Curtis Pace, Lee's Summit, which was adopted.

Senators Goode and Mathewson offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 565

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State governmental leaders who have dedicated themselves to ensuring that the services and programs provided by state government are conducted in the efficient, effective manner expected by citizens; and

WHEREAS, the Honorable Sheila Lumpe of University City, Missouri, was appointed to the Missouri Public Service Commission on June 5, 1997, and served as its Chair, Vice Chair of the Water Policy Roundtable, and representative to the Gas Committee of the National Association of Regulatory Utility Commissioners from August 1997 to July 2001 in an admirable endeavor which she will draw to a close on April 15, 2003; and

WHEREAS, no stranger to public service, Sheila Lumpe was the State Representative from the Seventy-second District located in St. Louis County for nine terms lasting from 1980 to 1997, during which time she attained distinction for leadership roles with such committees as Worker's Compensation; Appropriations-Education and Transportation; Consumer Protection; Education-Elementary and Secondary; Critical Decisions; Judiciary; Ways and Means; Budget; Property Equalization and Classification; Elections; Capital Improvements; Legislative Research; Governmental Organization and Review; and Science, Technology and Critical Issues; and

WHEREAS, Sheila Lumpe was born in York, Pennsylvania; graduated from Huntington High School in 1953; married her beloved Gus in 1958; earned a Baccalaureate degree from Indiana University in 1957 and a Master's degree from the University of Missouri-St. Louis in 1989; and conducted additional studies at Fourah Bay College in Sierra Leone, West Africa, and at Johns Hopkins University in Baltimore, Maryland; and

WHEREAS, the mother of Abe, Nathan, Karen, and Andy, and grandmother of three wonderful children, Sheila Lumpe will officially retire on May 2, 2003, after twenty-three years in Missouri state government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, join unanimously to applaud the diligent, dedicated labors which have so generously been contributed by Sheila Lumpe to the citizens and institutions of the state of Missouri and to convey to her this legislative body's heartiest congratulations and best wishes as she partakes of the special opportunities and pleasures traditionally associated with the golden years of retirement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Sheila Lumpe, public servant extraordinaire.

Senator Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 566

WHEREAS, it is with tremendous pleasure that the Missouri Senate pauses to note a milestone event in the history of a venerable health facility, Christian Hospital of St. Louis County; and

WHEREAS, founded in 1903 by Fannie Ayers and the Christian Women's Benevolent Association, Christian Hospital opened its doors as a twelve-bed facility located on Lawton Avenue in St. Louis; and

WHEREAS, down through the years Christian Hospital moved into larger facilities on North Grand Avenue; constructed a new, 100-bed facility on Newstead; and opened a facility on Graham Road in Florissant; and

WHEREAS, today's Christian Hospital is affiliated with BJC HealthCare as a two-division facility in north St. Louis County that offers a full

range of health-care services, an array of medical and surgical specialties, and senior daycare; and

WHEREAS, Christian Hospital is universally acclaimed for its expertise and experience in cardiac disease, cancer, and respiratory disorders, and as the first community hospital to offer open-heart surgery in the St. Louis area; and

WHEREAS, in addition to three outstanding cardiothoracic surgeons and more than twenty-five cardiologists, Christian Hospital enjoys a staff composed of more than 600 area physicians and more than 3,000 health-care professionals committed to improving the lives of people in the region; and

WHEREAS, Christian Hospital daily works to improve its facilities and services, and is currently redeveloping the Christian Hospital Northwest campus through an emergency department, a breathing center and sleep lab, and such outpatient diagnostic and imaging services as MRI, CT, general radiology, and ultrasound:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, join unanimously to applaud the exceptional history and services of Christian Hospital and to convey to its administrators, physicians, staff, and volunteers this legislative body's heartiest congratulations and best wishes as they celebrate during April 2003 the arrival of the One Hundredth Anniversary of their highly esteemed medical institution's founding; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Christian Hospital of St. Louis County.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 11**.

HOUSE CONCURRENT RESOLUTION NO. 11

WHEREAS, current studies indicate that children left at home alone and unsupervised have lower academic test scores, have higher absentee rates at school, exhibit higher levels of fear, stress, nightmares, loneliness, and boredom, are 1.7 times more likely to use alcohol, and are 1.6 times more likely to smoke cigarettes; and

WHEREAS, recent data shows that violent juvenile crime rates soar and children are most likely to be victims of a violent crime committed by a nonfamily member between the hours of 3 p.m. and 8 p.m., the hours immediately after school; and

WHEREAS, according to the National Center for Juvenile Justice, children are at greater risk of being involved in crime, substance abuse, and teenage pregnancy in the hours after school, especially between the hours of 3 p.m. and 4 p.m.; and

WHEREAS, the most common activity for children after school is watching television, resulting in an average 23 hours of television watching per week; and

WHEREAS, the parents of more than 800,000 Missouri school-age children work outside the home; and

WHEREAS, according to the estimates of the Urban Institute of the United States Census Bureau, at least 7 million and as many as 15 million "latchkey children" return to an empty house on any given afternoon; and

WHEREAS, in the United States, families worry about their children being unsafe and having too much idle, unsupervised time; and

WHEREAS, the United States Departments of Education and Justice report that children in quality out-of-school programs have better academic performance, school attendance, behavior, and greater expectations for the future; and

WHEREAS, children who attend high quality out-of-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct in school compared to their peers who are not in out-of-school programs; and

WHEREAS, children who attend out-of-school programs spend more time in learning opportunities, academic activities, and enrichment activities, and spend less time watching television than their peers; and

WHEREAS, children who attend out-of-school programs miss fewer days of school, have better homework completion, better school behavior, and

higher test scores; and

WHEREAS, the United States Congress has recognized the beneficial impact of out-of-school programs to our youth, and has increased the funding of out-of-school programs administered by the Missouri Department of Elementary and Secondary Education; and

WHEREAS, 92% of all Americans believe there should be organized activities for all youth during out-of-school hours; and

WHEREAS, it is estimated that less than 25% of all school-age children attend any out-of-school program, leaving 75% of our youth without a safe, supportive, and enriching environment during the unsupervised hours after the formal school day ends; and

WHEREAS, the Joint Interim committee on After-School Programs has studied several of the above-mentioned issues during the tenure of the Ninety-first General Assembly and recommends that a similar study committee be established to continue the study during the tenure of the Ninety-second General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, that the "Joint Legislative Committee on Out-of-School Programs" be created to be comprised of five members of the Senate, appointed by the President Pro Tem of the Senate and the Senate Minority Floor Leader and five members of the House of Representatives, appointed by the Speaker of the House of Representatives and the House Minority Floor Leader; and

BE IT FURTHER RESOLVED that the committee continue and expand the in-depth studies conducted by the prior Joint Interim Committee on After-school Programs and to make a comprehensive analysis of the quantity and quality of Missouri out-of-school programs, including the solicitation of information from appropriate state agencies, public schools, youth development organizations, law enforcement agencies and juvenile officers, youth development and education experts, and the public (including youth) regarding the status of out-of-school programs; and

BE IT FURTHER RESOLVED that the committee, in consultation with the Departments of Elementary and Secondary Education, Social Services, and all other relevant agencies, make recommendations for an efficient and effective development plan to provide the opportunity for every Missouri school-age child to access quality out-of-school programs and design a system to train, mentor, and support out-of-school programs, and thereby guarantee their sustainability; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable, and that the staffs of Senate Research, House Research, and the Committee on Legislative Research provide such legal, research, clerical, technical, and bill drafting services requested by the committee; and

BE IT FURTHER RESOLVED that the General Assembly endorses all of state government to enthusiastically encourage our citizens to engage in innovative out-of-school programs and activities that ensure that all Missouri school-age children are not only safe, but also productive when the school day ends; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the General Assembly by January 1, 2005, and the authority of such committee shall terminate on December 31, 2004, unless reauthorized.

In which the concurrence of the Senate is respectfully requested.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

April 11, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointments to the Missouri Commission on Intergovernmental Cooperation

Dear Terry:

Pursuant to Executive Order 01-16, I am appointing the following Senators to the Missouri Commission on Intergovernmental Cooperation:

Senator Carl Vogel

Senator Stephen Stoll

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter D. Kinder

PETER D. KINDER

President Pro-Tem

The following was submitted:

April 11, 2003

Mrs. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Terry:

Senate Bill 236, which creates a one-dollar check-off on income tax returns to fund the workers memorial, is presently on the senate calendar. In my absence, Senator Ed Quick will present this bill on the floor.

Sincerely,

/s/ Ronnie DePasco

Ronnie DePasco

STATE SENATOR

District 11

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, Jennifer Howerton, Chilhowee.

On behalf of Senator Childers, the President introduced to the Senate, Dr. Mark Rapinchuck and thirty members of the Student Senate and the Student Supreme Court, College of the Ozarks, Point Lookout.

Senator Caskey introduced to the Senate, Bob Bennett and students from Zion Lutheran School, Rockville; and Ashleigh Rapp, Brandon Fischer, and Nick Rapp were made honorary pages.

Senator Gibbons introduced to the Senate, Nancy Gray, Fenton; and Kim Larson, Webster Groves.

Senator Yeckel introduced to the Senate, Barb Hehmeyer, Lemay; and Joan Edelston, Affton.

Senator Kinder introduced to the Senate, Rod Richardet, Renee Schamburg, and Jackie Wengert, Perryville; and Dena

Kreitler, Ste. Genevieve.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-THIRD DAY-TUESDAY, APRIL 15, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 267-Smith (118)

HS for HB 470-Mayer

THIRD READING OF SENATE BILLS

SS#2 for SS for SCS for

SB 2-Russell

SS for SCS for SB 5-Caskey

(In Fiscal Oversight)

SB 243-Yeckel

(In Fiscal Oversight)

SS for SCS for SBs 361, 103,

156 & 329-Steelman

(In Fiscal Oversight)

SB 184-Bartle and Scott

(In Fiscal Oversight)

SCS for SB 38-Klindt, et al

SENATE BILLS FOR PERFECTION

1. SBs 381, 384, 432 & 9-Dolan,

with SCS

2. SB 39-Cauthorn, et al, with SCA 1

3. SB 199-Childers, with SCS

4. SB 620-Loudon, et al, with SCS

5. SB 416-Yeckel, with SCS

6. SB 219-Steelman and Yeckel

7. SJR 13-Stoll

8. SB 555-Kinder and Foster,

with SCS

9. SB 695-Goode and Russell

10. SB 693-Klindt, et al, with SCS

11. SB 12-Kinder and Scott

12. SBs 248, 100, 118, 233, 247,

341 & 420-Gross, et al, with SCS

13. SB 27-Gibbons, with SCS

14. SB 209-Steelman, et al, with SCS

15. SB 685-Gibbons, et al, with SCS

16. SB 455-Dougherty and Shields

17. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS

18. SB 446-Bartle, with SCS

19. SB 242-Yeckel, with SCA 1

20. SBs 415, 88, 200, 223, 413, 523,
589 & 626-Yeckel, with SCS

21. SB 564-Gross

22. SB 236-DePasco and Loudon

23. SB 458-Childers

24. SBs 312, 49, 111, 113,191, 206,
263, 404, 409, 418, 538, 550 &
584-Dolan, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HS for HCS for HB 321-
Wilson (130) (Loudon)

HCS for HBs 122 & 80 (Bland)

HCS for HB 390, with SCS
(Cauthorn)

HCS for HB 380, with SCS

HCS for HB 289, with SCS
(Steelman)

(In Fiscal Oversight)

HS for HCS for HBs 349, 120,
136 & 328-Crawford

(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 217-Champion and

Clemens, with SS (pending)

SB 241-Yeckel, with SCS

SB 253-Steelman, et al, with

SCS, SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with

SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SB 436-Klindt, with SCS, SS for

SCS & SA 2 (pending)

SB 450-Mathewson, et al, with SCS,

SS for SCS & SA 2 (pending)

SB 460-Loudon, with SS & SA 1

(pending)

SB 476-Jacob

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al (Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and

Parker (Dolan)

HB 292-Wagner (Stoll)

HB 358-Boykins (Coleman)

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al,

with SCS (Childers)

HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer (Bartle)

Reported 4/14

HCS for HB 93

HCS for HB 97

HB 199-Jolly, et al

HB 244-Baker, et al

HB 307-Merideth and Shoemaker

HCS for HB 318

HB 326-Wagner, et al

HB 351-Quinn, et al

HB 375-Cooper (120)

HB 463-King, et al

HCS for HB 472

HB 552-Kingery, with SCS

HB 574-Jackson and Selby

HB 594-Emery, et al

HB 512-Cooper (120), et al,

with SCS

HB 464-King, et al

HB 477-Moore, et al

HB 440-Portwood

HB 376-Cooper (120)

HCS for HB 332

HCS for HB 202

HCS for HBs 59 & 269, with SCS

HB 445-Portwood, et al, with SCS

HB 597-Schlottach, et al

HCS for HB 245

HB 162-Shoemaker

HB 284-Crawford, with SCS

HB 261-Whorton, et al

HB 249-Seigfreid

HB 247-Ward, et al

HCS for HB 392, with SCS

HB 505-Byrd and Villa, with SCS

HB 57-Riback Wilson, with SCS

HB 60-Sutherland, with SCS

HB 465-Hanaway, et al

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

HCR 11-Moore and Walton

Reported from Committee

SR 30-Shields, with SCS,
SS for SCS & SA 1 (pending)

SCR 3-Loudon

Journal of the Senate
FIRST REGULAR SESSION

FIFTY-THIRD DAY--TUESDAY, APRIL 15, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Therefore my beloved, be steadfast, immovable, always excelling in the work of the Lord..." (I Corinthians 15:58)

Almighty God, we do not always understand why so many things in our lives are difficult and so hard to get through, but we trust Your calling us to keep on the path You have lain out and want us to know You will be with us throughout our struggles. Help us, therefore, to be steadfast and seek to excel at what we have to do here and thus be faithful to our calling. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator		DePasco--1	

RESOLUTIONS

Senator Wheeler offered Senate Resolution No. 567, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Francis L. Schwartze, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 568, regarding Levi John Chettle, Riverside, which was adopted.

Senator Shields offered Senate Resolution No. 569, regarding Garret Thomas Cochran, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 570, regarding James Spencer "Jay" Mansheim, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 571, regarding Steven E. McKee, Kansas City, which was adopted.

Senator Vogel offered Senate Resolution No. 572, regarding Joseph George Samuel Goedde, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 573, regarding Colin B. Anthony, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 574, regarding Patrick Julius Joyce, Jefferson City, which was adopted.

Senator Champion offered Senate Resolution No. 575, regarding Bradley A. Woodall, Springfield, which was adopted.

Senator Foster offered Senate Resolution No. 576, regarding Robert Killian, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 577, regarding Thomas Williams, Poplar Bluff, which was adopted.

Senator Days offered Senate Resolution No. 578, regarding Keeven Elementary School, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 579, regarding the Boys Class 2 State Basketball Champions from East Carter County R-II High School, Ellsinore, which was adopted.

Senator Kennedy offered Senate Resolution No. 580, regarding the Seventy-fifth Anniversary of the town of Ellington, which was adopted.

Senator Gross offered Senate Resolution No. 581, regarding the Girls Class 4 State Basketball Champions from Duchesne High School, St. Charles, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 582, regarding Rose Mack, O'Fallon, which was adopted.

Senator Gibbons offered Senate Resolution No. 583, regarding Linda Reed, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 584, regarding Missouri College, St. Louis, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Dolan moved that **SB 381, SB 384, SB 432** and **SB 9**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 381, 384, 432** and **9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 381, 384, 432 and 9

An Act to repeal sections 210.104, 210.107, 300.330, 300.410, 302.302, 302.510, 302.530, 302.700, 304.010, 304.015, 307.020, 307.100, 307.177, 307.178, 307.400, and 577.041, RSMo, relating to transportation safety measures, and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Dolan moved that **SCS** for **SBs 381, 384, 432 and 9** be adopted.

Senator Dolan offered **SS** for **SCS** for **SBs 381, 384, 432 and 9**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 381, 384, 432 and 9

An Act to repeal sections 210.104, 210.107, 300.330, 300.410, 301.130, 302.302, 302.510, 302.530, 302.700, 304.010, 304.015, 307.020, 307.100, 307.177, 307.178, 307.400, 488.5336, 577.023, 577.041, RSMo, and section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, relating to transportation, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Senator Dolan moved that **SS** for **SCS** for **SBs 381, 384, 432 and 9** be adopted.

Senator Bartle assumed the Chair.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Pages 4-5, Section 302.302(14), Lines 22 on page 4 to Line 7 on page 5, by deleting said subsection.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 1** was withdrawn.

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 2, Section 300.410, Line 24, by inserting immediately after said line the following:

"301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

- (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;
- (2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;
- (3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;
- (4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;
- (5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

- (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;
- (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;
- (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;
- (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- (10) "Director" or "director of revenue", the director of the department of revenue;
- (11) "Driveaway operation", the movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale [or], for delivery either before or after sale, **or for the purpose of transporting vehicles in transit from one place to another by driveaway or towaway methods**;
- (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;
- (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;
- (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;
- (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;
- (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;
- (20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;
- (21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;
- (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;
- (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;
- (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of [twenty-five] **fifty** miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

(25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a fifty-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, does not have more than four axles and does not pull a trailer which has more than two axles. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(28) "Log truck", a vehicle which is not a local log truck and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(29) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(30) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(31) "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

(32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

(33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(34) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

- (35) "Motorcycle", a motor vehicle operated on two wheels;
- (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;
- (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;
- (38) "Municipality", any city, town or village, whether incorporated or not;
- (39) "Nonresident", a resident of a state or country other than the state of Missouri;
- (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;
- (41) "Operator", any person who operates or drives a motor vehicle;
- (42) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;
- (43) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;
- (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;
- (45) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- (46) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;
- (47) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;
- (48) "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a double saddlemount combination. When three vehicles are towed in this manner, the combination is called a triple saddlemount combination;
- (49) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

(50) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it, or by an insurance company as a result of settlement of a claim for loss due to damage or theft; or a vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property";

(51) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

(52) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(53) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(54) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

(55) "Stinger-steered combination", a truck tractor-semi-trailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(56) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(57) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(58) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010, RSMo;

(59) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(60) "Truck-tractor semitrailer-semi-trailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional "A dolly" connected truck-tractor semitrailer-trailer combination;

(61) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(62) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

(63) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(65) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(66) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.069. A driveway license plate may not be used on a vehicle used or operated on a highway except for the purpose of transporting vehicles in transit. Driveway license plates may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly parked or burned vehicles. For each driveway license there shall be paid an annual license fee of forty-four dollars and fifty cents **or a biennial license fee of eighty-nine dollars** for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as prescribed in this chapter. For single trips the fee shall be four dollars, and descriptive insignia shall be prepared and issued at the discretion of the director who shall also prescribe the type of equipment used to attach such vehicles in combinations."; and

Further amend said bill, page 41, Section 307.400, line 28, by inserting immediately after said line the following:

"390.020. As used in this chapter, unless the context clearly requires otherwise, the words and terms mean:

(1) "Agricultural commodities in bulk", commodities conforming to the meaning of "commodities in bulk" as defined in this section, which are agricultural, horticultural, viticultural or forest products or any other products which are grown or produced on a farm or in a forest, and which have not undergone processing at any time since movement from the farm or forest, or processed or unprocessed grain, feed, feed ingredients, or forest products;

(2) "Certificate", a written document authorizing a common carrier to engage in intrastate commerce and issued under the provisions of this chapter;

(3) "Charter service", the transportation of a group of persons who, pursuant to a common purpose and at a fixed charge for the vehicle, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group from a point of origin to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after having left the place of origin;

(4) "Commercial zone", unless otherwise increased pursuant to the provisions of subdivision (4) of section 390.041, any municipality within this state together with that territory either within or without the state of Missouri, extending one mile beyond the corporate limits of such municipality and one additional mile for each fifty thousand inhabitants or portion thereof; however, any commercial zone of a city not within a county shall extend eighteen miles beyond that city's corporate limits and shall also extend throughout any first class charter county which adjoins that zone;

- (5) "Commodities in bulk", commodities, which are fungible, flowable, capable of being poured or dumped, tendered for transportation unpackaged, incapable of being counted, but are weighed or measured by volume and which conform to the shape of the vehicle transporting them;
- (6) "Common carrier", any person which holds itself out to the general public to engage in the transportation by motor vehicle of passengers or property for hire or compensation upon the public highways and airlines engaged in intrastate commerce;
- (7) "Contract carrier", any person under individual contracts or agreements which engage in transportation by motor vehicles of passenger or property for hire or compensation upon the public highways;
- (8) "Corporate family", a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a one hundred percent interest;
- (9) "Division", the division of motor carrier and railroad safety of the department of economic development;
- (10) "Driveaway operator", any motor carrier who moves any commercial motor vehicle or assembled automobile singly under its own power or in any other combination of two or more vehicles under the power of one of said vehicles upon any public highway for the purpose of delivery for sale or for delivery either before or after sale, **or for the purpose of transporting vehicles in transit from one place to another by driveaway or towaway methods;**
- (11) "Dump truck", any open-top vehicle, including dump trailers, and those trailers commonly referred to as hopper trailers and/or belly dump trailers, that discharges its load by tipping or opening the body in such a manner that the load is ejected or dumped by gravity but does not include tank or other closed-top vehicles, or vehicles that discharge cargo by means of an auger, conveyor belt, air pressure, pump or other mechanical means;
- (12) "Household goods", personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; new or used furniture; store or office furniture or fixtures; equipment of museums, institutions, hospitals and other establishments; and articles, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods;
- (13) "Interstate commerce", commerce between a point in this state and a point outside this state, or between points outside this state when such commerce moves through this state whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by any other regulated means of transportation where the commodity does not come to rest or change its identity during the movement;
- (14) "Intrastate commerce", commerce moving wholly between points within this state, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by any other means of transportation;
- (15) "Irregular route", the course or line of travel to be used by a motor carrier's vehicle when not restricted to any specific route or routes within the area the motor carrier is authorized to serve;
- (16) "Less-than-truckload lots", lots of freight, other than a truckload lot, being transported on the motor vehicle at one time;
- (17) "Mobile home", house trailers, cabin trailers, bungalow trailers, mobile homes and any other transportable building unit designed to be used for residential, commercial, industrial or recreational purposes, including special equipment, wheels, tires, axles, springs, racks, undercarriages and undersupports used or useful in connection with the transportation of mobile homes when transported as part of the transportation of mobile homes;
- (18) "Motor carrier", any person engaged in the transportation of property or passengers, or both, for compensation or hire, over the public roads of this state by motor vehicle. The term includes both common and contract carriers;
- (19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or semitrailer, motor bus or any self-propelled vehicle used upon the highways of the state in the transportation of property or passengers;

(20) "Party", any person admitted as a party to a division proceeding or seeking and entitled as a matter of right to admission to a division proceeding;

(21) "Permit", a permit issued under the provisions of this chapter to a contract carrier to engage in intrastate or interstate commerce or to a common carrier to engage in interstate commerce;

(22) "Person", any individual or other legal entity, whether such entity is a proprietorship, partnership, corporation, company, association or joint-stock association, including the partners, officers, employees, and agents of the person, as well as any trustees, assignees, receivers, or personal representatives of the person;

(23) "Private carrier", any person engaged in the transportation of property or passengers by motor vehicle upon public highways, but not as a common or contract carrier by motor vehicle; and includes any person who transports property by motor vehicle where such transportation is incidental to or in furtherance of his commercial enterprises;

(24) "Public highway", every public street, road, highway or thoroughfare of any kind used by the public, whether actually dedicated to the public;

(25) "Regular route", a specific and determined course to be traveled by a motor carrier's vehicle rendering service to, from or between various points or localities in this state;

(26) "School bus", any motor vehicle while being used solely to transport students to or from school or to transport students to or from any place for educational purposes or school purposes;

(27) "Taxicab", any motor vehicle performing a bona fide for hire taxicab service having a capacity of not more than five passengers, exclusive of the driver, and not operated on a regular route or between fixed termini;

(28) "Truckload lot", a lot or lots of freight tendered to a carrier by one consignor or one consignee for delivery at the direction of the consignor or consignee with the lot or lots being the only lot or lots transported on the motor vehicle at any one time."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 348, 432 and 9, Page 33, Section 307.100, Line 3, by inserting after all of said line the following:

"307.125. **1.** Any person who shall place or drive or cause to be placed or driven, upon or along any state or supplementary state highway of this state any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons there shall be no less than seven of such buttons covering an area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred feet.

2. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half hour before sunrise shall have at least one light flashing at all times the vehicle is on any highway of this state. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a

height of no more than six feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred feet. Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

3. Any person operating an animal-driven vehicle during the hours between sunset and one-half hour before sunrise may, in lieu of the requirements of subsection 2 of this section, use lamps or lanterns complying with the rules promulgated by the director of the department of public safety.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

307.127. 1. No person shall operate on any public highway of this state any slow-moving vehicle or equipment after sunset to one-half hour before sunrise, any animal-drawn vehicle, or any other machinery, designed for use or normally operated at speeds less than twenty-five miles per hour, including all road construction or maintenance machinery except when engaged in actual construction or maintenance work either guarded by a flagman or clearly visible warning signs, which normally travels or is normally used at a speed of less than twenty-five miles per hour unless there is displayed on the rear thereof an emblem as described in, and displayed as provided in subsection 2 in this section. The requirement of such emblem shall be in addition to any lighting devices required by section 307.115.

2. The emblem required by subsection 1 of this section shall be of substantial construction, and shall be a basedown equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of not less than fourteen inches and an altitude of not less than twelve inches. Such triangle shall be bordered with reflective red strips having a minimum width of one and three-fourths inches, with the vertices of the overall triangle truncated such that the remaining altitude shall be a minimum of fourteen inches. Such emblem shall be mounted on the rear of such vehicle near the horizontal geometric center of the rearmost vehicle at a height of not less than four feet above the roadway, and shall be maintained in a clean, reflective condition. The provisions of this section shall not apply to any vehicle or equipment being operated on a gravel or dirt surfaced public highway.

3. Any person who shall violate the provisions of this section shall be guilty of an infraction.

4. No emblem shall be required on machinery or equipment pulled or attached to a farm tractor providing the machinery or equipment does not extend more than twelve feet to the rear of the tractor and permits a clear view of the emblem on the tractor by vehicles approaching from the rear.

5. Any person operating an animal-drawn vehicle on any public highway of this state may, in lieu of displaying the emblem required by subsections 1 and 2 of this section, equip the animal-drawn vehicle with reflective material complying with rules and regulations promulgated by the director of the department of public safety. The reflective material shall be visible from a distance of not less than five hundred feet to the rear when illuminated by the lower beams of vehicle headlights. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Bray offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 2, Section 226.275, Line 7, by inserting immediately after said line the following:

"238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties[.]; **provided:**

(1) Property separated only by public streets, **easements or rights-of-way** shall be considered contiguous;

(2) **In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:**

(a) **The petition provides that the only funding method for project costs will be a sales tax;**

(b) **The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and**

(c) **Each parcel within the district is within five miles of every other parcel; and**

(3) **In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.**

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The name of the proposed district;

(6) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(7) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(8) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(9) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(10) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

238.210. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident, taxpayer, any other entity, or any local transportation authority within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk.

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. If the petition was filed by registered voters or by a governing body, the court shall then certify the questions regarding district creation, project development, and proposed funding for voter approval. **If the petition was filed by a governing body pursuant to subsection 5 of section 239.207, RSMo, the court shall then certify the single question regarding district creation, project development, and proposed funding for voter approval.** If the petition was filed by the owners of record of all of the real property located within the proposed district, the court shall declare the district organized and certify the funding methods stated in the petition for qualified voter approval; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230. In either case, if no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals.

238.215. 1. If the circuit court certifies the petition for voter approval, it shall call an election pursuant to section 238.216.

2. At such election for voter approval of the qualified voters, the questions shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the "..... Transportation Development District" for the purpose of developing the following transportation project: (here summarize the proposed project or projects and require each voter to approve or disapprove of each project) and have the power to fund the proposed project upon separate voter approval by any or all of the following methods: (here specifically describe the proposed funding methods and require each voter to approve or disapprove of each proposed funding method)?

3. (1) If the petition was filed pursuant to subsection 5 of section 238.207 and the district desires to impose a sales tax as the only proposed funding mechanism, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the "..... Transportation Development District" for the purpose of developing the following transportation project: (here summarize the proposed project or projects) and be authorized to impose a transportation development district-wide sales tax at the rate of(insert amount) for a period of(insert number) years from the date on which such tax is first imposed for the purpose of funding the transportation project or projects?

(2) If the petition was filed pursuant to subsection 5 of section 238.207 and the district desires to impose a funding mechanism other than a sales tax, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the form set forth in subsection 2 of this section and the proposed funding mechanism shall require separate voter approval at a subsequent election.

[3.] **4.** The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission. If the results show that a majority of the votes cast by the qualified voters were in favor of organizing the transportation development district, the circuit court having jurisdiction of the matter shall declare the district organized and certify the funding methods approved by the qualified voters. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the organization of the district, the circuit court shall declare that the question has failed to pass, and the same question shall not be again submitted for voter approval for two years.

5. Notwithstanding the foregoing, if the election was held pursuant to subsection 3 of this section, the results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies. If the results show that a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court having jurisdiction of the matter shall declare the district organized and the funding methods approved by the qualified voters to be in effect. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court shall declare that the question has failed to pass. A new petition shall be filed pursuant to subsection 5 of section 238.207 prior to the question being again submitted for voter approval.

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if any persons eligible to be registered voters reside within the district the following procedures shall be followed:

(1) After the district has been declared organized, the court shall upon petition of any interested person order the county clerk to cause an election to be held in all areas of the district within one hundred twenty days after the order establishing the district, to elect the district board of directors which shall be not less than five nor more than fifteen;

(2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and shall file with the election authority of such county a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(3) The director or directors to be elected shall be elected at large. The candidate receiving the most votes from qualified voters shall be elected to the position having the longest term, the second highest total votes elected to the position having the next longest term, and so forth. Each initial director shall serve the one-, two- or three-year term to which he or she was elected, and until a successor is duly elected and qualified. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification; and

(4) Each director shall be a resident of the district. Directors shall be registered voters at least twenty-one years of age.

2. Notwithstanding anything to the contrary contained in section 238.216, if no persons eligible to be registered voters reside within the district, the following procedures shall apply:

(1) Within thirty days after the district has been declared organized, the circuit clerk of the county in which the petition was filed shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of not less than five and not more than fifteen directors, to be composed of owners or representatives of owners of real property in the district; provided that, if all the owners of property in the district joined in the petition for formation of the district, such meeting may be called by order of the court without further publication;

(2) The property owners, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall represent one share, and each owner may have one vote in person or by proxy for every acre of real property owned by such person within the district;

(3) The one-third of the initial board members receiving the most votes shall be elected to positions having a term of three years. The one-third of initial board members receiving the next highest number of votes shall be elected to positions having a term of two years. The lowest one-third of initial board members receiving sufficient votes shall be elected to positions having a term of one year. Each initial director shall serve the term to which he or she was elected, and until a successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the real property owners called by the board. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification;

(4) Directors shall be at least twenty-one years of age.

3. Notwithstanding any provision of sections 238.216 and 238.220 to the contrary, if the petition for formation of the district was filed pursuant to subsection 5 of section 238.207, the following procedures shall be followed:

(1) If the district is comprised of four or more local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district. If the district is comprised of two or three local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district and one person designated by the governing body of each local transportation authority within the district;

(2) Each director shall be at least twenty-one years of age and a resident or property owner of the local transportation authority the director represents. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and

(3) Upon the assumption of office of a new presiding officer of a local transportation authority, such individual shall automatically succeed his predecessor as a member of the board of directors. Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.

[3.] **4.** The commission shall appoint one or more advisors to the board, who shall have no vote but shall have the authority to participate in all board meetings and discussions, whether open or closed, and shall have access to all records of the district and its board of directors.

[4.] **5.** If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the local transportation authority that will assume maintenance of the project shall appoint one or more advisors to the board of directors who shall have the same rights as advisors appointed by the commission.

6. Any county or counties located wholly or partially within the district which is not a "local transportation authority" pursuant to subdivision (4) of subsection 1 of section 238.202, may appoint one or more advisors to the board who shall have the same rights as advisors appointed by the commission.

238.222. 1. The board shall possess and exercise all of the district's legislative and executive powers.

2. Within thirty days after the election of the initial directors **or the selection of the initial directors pursuant to subsection 3 of section 238.220**, the board shall meet. The time and place of the first meeting of the board shall be designated by the court that heard the petition upon the court's own initiative or upon the petition of any interested person. At its first meeting and after each election of new board members **or the selection of the initial directors pursuant to subsection 3 of section 238.220** the board shall elect a chairman from its members.

3. The board shall appoint an executive director, district secretary, treasurer and such other officers or employees as it deems necessary.
4. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.
5. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.
6. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for his actual expenditures in the performance of his duties on behalf of the district.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

- (a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose [a] **or increase the levy of an existing** tax pursuant to the provisions of this section; **or**
- (b) **The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.**

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of subsection 1 of this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

- (3) The sales tax authorized by this section shall become effective on the first day of the month following adoption of the tax by the qualified voters.
- (4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser

to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the transportation development district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the transportation development district.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those

sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes collected by the transportation development district shall be deposited by the transportation development district in a special fund to be expended for the purposes authorized in this section. The transportation development district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

238.236. 1. This section shall not apply to any tax levied pursuant to section 238.235, and no tax shall be imposed pursuant to the provisions of this section if a tax has been imposed by a transportation development district pursuant to section 238.235.

2. In lieu of the taxes allowed pursuant to section 238.235, any transportation development district which consists of all of one or more entire counties, all of one or more entire cities, or all of one or more entire counties and one or more entire cities which are totally outside the boundaries of those counties may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters. No resolution enacted pursuant to the authority granted by this section shall be effective unless:

(1) The board of directors of the transportation development district submits to the qualified voters of the transportation development district, at a state general, primary, or special election, a proposal to authorize the board of directors of the transportation development district to impose [a] **or increase the levy of an existing tax** pursuant to the provisions of this section; **or**

(2) **The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.**

3. If the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of subdivision (1) of subsection 2 of this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of(transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

4. Within ten days after the adoption of any resolution in favor of the adoption of a transportation development district sales tax **which has been approved** by the qualified voters of such transportation development district, the transportation development district shall forward to the director of revenue, by United States registered mail or certified mail, a certified copy of the resolution of its board of directors. The resolution shall reflect the effective date thereof. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of such tax.

5. All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subsection 3 of this section or if the tax authorized by this section is repealed pursuant to subsection 12 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

6. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one-half of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by the [resolutions] **resolution** as authorized by this section, plus any amounts imposed pursuant to other provisions of law.

8. On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue

shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

9. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, governing local sales taxes, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

10. All sales taxes collected by the director of revenue pursuant to this section on behalf of any transportation development district, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the state treasury to the credit of the "Transportation Development District Sales Tax Fund", which is hereby created. Moneys in the transportation development district sales tax fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. All interest earned upon the balance in the transportation development district sales tax fund shall be deposited to the credit of the same fund. Any balance in the fund at the end of an appropriation period shall not be transferred to the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund. The director of revenue shall keep accurate records of the amount of money which was collected in each transportation development district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in such fund during the preceding month to the proper transportation development district.

11. The director of revenue may authorize the state treasurer to make refunds from the amounts credited to any transportation development district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any transportation development district repeals the tax authorized by this section, the transportation development district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax authorized by this section in such transportation development district, the director of revenue shall remit the balance in the account to the transportation development district and close the account of that transportation development district. The director of revenue shall notify each transportation development district of each instance of any amount refunded or any check redeemed from receipts due the transportation development district.

12. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters of such transportation development district calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the [ordinance or] resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 1, Section A, Line 11, by inserting after all of said line the following:

"226.040. 1. The [state highways and transportation commission shall appoint a] chief executive officer with the title of director of the Missouri department of transportation **shall be appointed by the governor, with the advice and consent of the senate**. The director shall serve at the pleasure of the [commission] **governor**. The director shall be a citizen and a resident of this state, shall have had executive management experience for at least five years, and may be a registered professional engineer. The director's duties shall include appointment of a chief engineer, a chief financial officer and other department heads, engineers and other employees as the commission may designate and deem necessary. Under the direction of the commission, the director shall have general charge of, and be responsible for, the overall operations and performance of the department. The director shall provide quarterly to the commission at its regularly scheduled meetings a current unaudited written version of the report required in subsection 2 of section 21.795, RSMo, with changes from the most recent audited report clearly marked. Such report shall be made available to the public.

2. The chief engineer shall be a registered professional engineer responsible for preparation and approval of all engineering documents, plans and specifications and shall have general oversight of construction and maintenance work for the department as determined by the director.

3. Engineers of the department responsible for supervising the activities of road and bridge design, construction, maintenance and materials inspection and analysis shall be registered professional engineers in this state."; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion failed.

Senator Gibbons offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 3, Section 302.302, Line 15, by adding after said line the following:

"In violation of subsection 4 of section 304.016, RSMo, by a person under the age of eighteen years 8 points"

And further amend said bill, page 5, section 302.302, line 7 on said page, by adding after said line the following:

"(15) Exceeding the posted speed limit by twenty miles per hour or more by a person under the age of eighteen years:

(a) For the first conviction 8 points

(b) For the second or subsequent

conviction 12 points".

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 7, Section 302.302, Line 1, by inserting after said section the following:

"302.341. **1.** If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which he **or she** is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against him **or her** for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall reinstate the license. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section. If any city, town or village receives more than **[forty-five] thirty-five** percent of its **[total]** annual **general operating** revenue from fines **and court costs** for traffic violations occurring on state highways, all revenues from such violations in excess of **[forty-five] thirty-five** percent of the **[total]** annual **general operating** revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number.

2. If any city, town, or village fails to send such excess revenues to the director of the department of revenue in a timely fashion which shall be set forth by the director by rule, such city, town, or village shall submit to an annual audit by the state auditor pursuant to the authority of Article IV, Section 13 of the Missouri Constitution. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 25, Section 304.029, Line 10, by inserting after all of said line the following:

"304.351. **1.** The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided, however, there is no form of traffic control at such intersection.

2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn.

3. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

4. (1) The state highways and transportation commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

[(1)] (2) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this section:

(a) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such traffic is moving across or within the intersection.

5. The driver of a vehicle about to enter or cross a highway from an alley, building or any private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

6. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

7. The state highways and transportation commission or local authorities with respect to roads under their respective jurisdictions, on any section where construction or major maintenance operations are being effected, may fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of section 304.010.

8. Notwithstanding the provisions of section 304.361, violation of this section shall be deemed a class C misdemeanor.

9. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused physical injury, there shall be assessed a surcharge of up to two hundred dollars. The court may issue an order of suspension of such persons driving privilege for a period of thirty days.

10. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused serious physical injury, there

shall be assessed a surcharge of up to five hundred dollars. The court may issue an order of suspension of such persons driving privilege for a period of ninety days.

11. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused a fatality, there shall be assessed a surcharge of up to one thousand dollars. The court may issue an order of suspension of such persons driving privilege for a period of six months.

12. The surcharges imposed pursuant to subsections 9, 10, and 11 of this subsection shall be collected and distributed by the clerk of the court as provided in sections 488.010 to 488.020, RSMo. The surcharges collected pursuant to subsections 9, 10, and 11 of this section shall be credited to the motorcycle safety trust fund established under section 302.137, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 2, Section 226.275, Line 7, by inserting after all of said line the following:

"238.230. 1. If approved by:

(1) A majority of the qualified voters voting on the question in the district; or

(2) The owners of record of all of the real property located within the district who shall indicate their approval by signing a special assessment petition;

the district may make one or more special assessments for those project improvements which specially benefit the properties within the district. Improvements which may confer special benefits within a district include but are not limited to improvements which are intended primarily to serve traffic originating or ending within the district, to reduce local traffic congestion or circuitry of travel, or to improve the safety of motorists or pedestrians within the district.

2. The ballot question shall be substantially in the following form:

Shall the Transportation Development District be authorized to levy special assessments against property benefited within the district for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary), said special assessments to be levied ratably against each tract, lot or parcel of property within the district which is benefited by such project in proportion to the (insert method of allocating special assessments), in an amount not to exceed \$ per annum per (insert unit of measurement)?

3. The special assessment petition shall be substantially in the following form:

The Transportation Development District shall be authorized to levy special assessments against property benefited within the district for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary), said special assessments to be levied pro rata against each tract, lot or parcel or property within the district which is benefited by such project in proportion to the (insert method of allocating special assessments), in an amount not to exceed \$...... per annum per (insert unit of measurement).

4. If a proposal for making a special assessment fails, the district board of directors may, with the prior approval of the commission or the local transportation authority which will assume ownership of the completed project, delete from the project any portion which was to be funded by special assessment and which is not otherwise required for project integrity.

5. Annual payments and total assessments may be apportioned in any reasonable manner among parcels of benefited real property within the district. Special assessments shall constitute a lien against each parcel assessed by a district to the same extent, and shall be enforced in the same manner, as a lien for general real estate taxes. A default in the payment of one annual special assessment payment shall not accelerate the due date of subsequent annual special assessment payments.

6. No suit to set aside or contest special assessments made pursuant to this section may be brought more than ninety days after the initial notice of such assessment is given to the owners of record of affected parcels of real property." ; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 25, Section 304.029, Line 10, by inserting immediately after said line the following:

"304.580. 1. As used in this section, the term "construction zone" or "work zone" means any area upon or around any highway as defined in section 302.010, RSMo, which is visibly marked by the department of transportation or a contractor performing work for the department of transportation as an area where construction, maintenance, or other work is temporarily occurring. The term "work zone" or "construction zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.

2. Upon a conviction or a plea of guilty by any person for a moving violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone.

3. Upon a conviction or plea of guilty by any person for a speeding violation pursuant to either section 304.009 or 304.010, or a passing violation pursuant to subsection [6] **5** of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law, if the offense occurred within a construction zone or a work zone and at the time the speeding or passing violation occurred there was any person in such zone who was there to perform duties related to the reason for which the area was designated a construction zone or work zone. However, no person assessed an additional fine pursuant to this subsection shall also be assessed an additional fine pursuant to subsection 2 of this section, and no person shall be assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to subsection 4 of this section.

4. The penalty authorized by subsection 3 of this section shall only be assessed by the court if the department of transportation or contractor performing work for the department of transportation has erected signs upon or around a construction or work zone which are clearly visible from the highway and which state substantially the following message: "Warning: \$250 fine for speeding or passing [in this work zone".] **when workers present.**

[5. During any day in which no person is present in a construction zone or work zone established pursuant to subsection 3 of this section to perform duties related to the purpose of the zone, the sign warning of additional penalties shall not be visible to motorists. During any period of two hours or more in which no person is present in such zone on a day in which persons have been or will be present to perform duties related to the reason for which the

area was designated as a construction zone or work zone, the sign warning of additional penalties shall not be visible to motorists. The department of transportation or contractor performing work for the department of transportation shall be responsible for compliance with provisions of this subsection. Nothing in this subsection shall prohibit warning or traffic control signs necessary for public safety in the construction or work zone being visible to motorists at all times.]

[6.] **5.** The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone. This subsection applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane by an appropriate sign erected by the department of transportation or a contractor performing work for the department of transportation. Violation of this subsection is a class C misdemeanor.

[7.] **6.** This section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to section 302.302, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion failed.

Senator Caskey offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 4, Section 302.302, Lines 22-23 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(14) For a conviction for negligently colliding with a"; and

Further amend said bill, Pages 4-5, Section 302.302, Lines 27-29, 1-7 of said page, by striking all of said lines and inserting in lieu thereof the following: **"section 537.038:**

(a) For the first conviction 4 points

(b) For the second and subsequent

conviction 6 points".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 53, Section 577.041, Line 6, by inserting after said line:

"Section 1. For the enforcement of any speed limit laws on any state or federal highway traversing through any municipality, the speed limit violation shall be referred to the county prosecutor for prosecution."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Pages 7-8, Section 302.510 of said pages, by striking said section from the bill; and

Further amend said bill, Pages 8 & 9, Section 302.530, of said pages, by striking said section from the bill; and

Further amend said bill, Pages 48 to 53, Section 577.041, of said pages, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **SBs 381, 384, 432** and **9**, as amended, be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Dolan moved that the vote by which **SS** for **SCS** for **SBs 381, 384, 432** and **9**, as amended, was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Foster	Gibbons
Goode	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senator Griesheimer--1

Absent--Senators

Days Dougherty--2

Absent with leave--Senator DePasco--1

SS for **SCS** for **SBs 381, 384, 432** and **9**, as amended, was again taken up.

At the request of Senator Dolan, **SB 381, SB 384, SB 432** and **SB 9**, with **SCS** and **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 5**; and **SB 243**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 28**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **HCR 11** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Gibbons, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 388**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 253**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 394**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 427**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 430**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 599**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 613**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HBs 152** and **180**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HBs 348** and **347**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 131**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 254**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 553**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 523**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 575**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle assumed the Chair.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 75**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 187**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 371**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 478**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HCS** for **HB 493**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 491**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 356**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 39**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Cauthorn moved that the above amendment be adopted.

Senator Cauthorn offered **SSA 1** for **SCA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 39, Page 2, Section 650.350, Line 21, by striking the following: "appropriations, interest," and inserting in lieu thereof the following: "**interest**".

Senator Cauthorn moved that the above substitute amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 39, Page 1, In the Title, Line 2, by striking the word "the" at the end of said line; and further amend line 3, by striking all of said line and inserting in lieu thereof the following: "emergency services."; and

Further amend said bill, page 1, Section A, line 2, by inserting immediately after said line the following:

"190.300. As used in sections 190.300 to 190.320, the following terms and phrases mean:

- (1) "Emergency telephone service", a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations;
- (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone service;
- (3) "Exchange access facilities", all facilities provided by the service supplier for local telephone exchange access to a service user;
- (4) "Governing body", the legislative body for a city, county or city not within a county;
- (5) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;
- (6) "Public agency", any city, county, city not within a county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;
- (7) "Service supplier", any person providing exchange telephone services to any service user in this state;
- (8) "Service user", any person, other than a person providing pay telephone service pursuant to the provisions of section 392.520, RSMo, not otherwise exempt from taxation, who is provided exchange telephone service in this state;
- (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated in the service supplier's tariffs, approved by the Missouri public service commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever;
- (10) "Wireless service supplier", any person providing wireless telephone services to any wireless service user in this state;**
- (11) "Wireless service user", any person who uses a wireless telephone service in this state. For the purposes of sections 190.300 to 190.320, any imposition of a tax shall be in accordance with the Federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.**

190.304. 1. In addition to its other powers for the protection of the public health, a governing body of a county or a city not within a county may, by a majority vote of its members, choose to submit to a vote of the qualified voters of the county or a city not within a county a ballot containing either of the two proposals pursuant to subdivisions (1) and (2) of this subsection to provide for the operation of an emergency telephone service. In no case shall a governing body be permitted to enact provisions of both subdivisions (1) and (2) of this subsection, whether in simultaneous elections or by separate elections. If the governing body so chooses, by a majority vote of its members, it may submit:

- (1) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount equal to the average levied tax per line for wire lines in such county or such city not within a county in the current year based on the tax on the tariff rate authorized in section 190.305 for each access line or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county. If a majority of the qualified voters of the county or a city not within a county adopt the provision in this subdivision, such tax shall be in addition to the tax authorized pursuant to section 190.305. The tax authorized pursuant to this subdivision shall be in lieu of any tax authorized and adopted pursuant to sections 190.325 to 190.329. The governing body of the county shall certify to the office of administration the amount of the average levied tax per line for wire lines in such county or city not within a county; or**

(2) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount up to fifty cents per month on each access line user or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county, plus a tax of up to fifty cents per access line per month for wired telephone services in such county or a city not within a county. If a majority of the qualified voters of the county or a city not within a county adopt the provision in this subdivision, the approved taxes shall be in lieu of the tax authorized pursuant to section 190.305 and in lieu of the tax authorized pursuant to sections 190.325 to 190.329. The taxes authorized pursuant to this subdivision shall not exceed fifty cents and shall be equal to one another.

2. The taxes collected pursuant to this section shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body and for no other purpose, except as provided in subsection 3 of this section. Collection of such taxes shall not begin prior to twelve months before the operation upgraded to facilities which implement phase I enhanced 911 services as described in Federal Communications Docket 94-102, or in counties which do not have a functioning emergency telephone service and dispatch center the collection of such taxes shall not begin prior to twenty-seven months before operation of such emergency telephone service and dispatch center.

3. Any county or city not within a county which has not implemented service pursuant to the requirements of subsection 2 of this section shall immediately cease collection of such tax, and if the county or city not within a county fails to implement such service within twelve months thereafter, the governing body of such county or city not within a county shall remit all taxes collected pursuant to this section to the state treasurer to be deposited in the 911 emergency services fund created pursuant to section 190.312.

4. Every billed service user or wireless service user is liable for the taxes until it has been paid to the service supplier.

5. The duty to collect the tax from a service user or wireless service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier or wireless service supplier shall be added to and shall be stated separately in the billings to the service user or wireless service user.

6. Nothing in this section imposes any obligation upon a service supplier or wireless service supplier to take any legal action to enforce the collection of the tax imposed by this section unless the charges for wireless service are unpaid. The service supplier or wireless service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users or wireless service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the wireline or wireless service in accordance with the regular billing practice of the service supplier.

8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone services.

190.305. 1. In addition to its other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may pay for it by levying an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per access line per month, whichever is greater, except as provided in sections 190.325 to 190.329, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. In any county of the third classification with a population of at least thirty-two thousand but not

greater than forty thousand that borders a county of the first classification, a governing body of a third or fourth class city may, with the consent of the county commission, contract for service with a public agency to provide services within the public agency's jurisdiction when such city is located wholly within the jurisdiction of the public agency. Consent shall be demonstrated by the county commission authorizing an election within the public agency's jurisdiction pursuant to section 190.320. Any contract between governing bodies and public agencies in existence on August 28, 1996, that meets such criteria prior to August 28, 1996, shall be recognized if the county commission authorized the election for emergency telephone service and a vote was held as provided in section 190.320. The governing body shall provide for a board pursuant to sections 190.327 and 190.328.

2. The tax shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body **and for no other purpose**, and may be levied at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body, but collection of such tax shall not begin prior to twenty-seven months before operation of the emergency telephone service and dispatch center.

3. Such tax shall be levied only upon the tariff rate. No tax shall be imposed upon more than one hundred exchange access facilities or their equivalent per person per location.

4. Every billed service user is liable for the tax until it has been paid to the service supplier.

5. The duty to collect the tax from a service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.

6. Nothing in this section imposes any obligation upon a service supplier to take any legal action to enforce the collection of the tax imposed by this section. The service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier. The tariff rates determined by or stated on the billing of the service supplier are presumed to be correct if such charges were made in accordance with the service supplier's business practices. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged.

8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone services.

190.310. 1. The [tax] **taxes** imposed by sections 190.300 to 190.320 and the amounts required to be collected are due [quarterly] **monthly**. The amount of [tax] **taxes** collected in one [calendar quarter] **month** by the service supplier **or wireless service supplier** shall be remitted to the governing body no later than [sixty] **thirty** days after the close of a [calendar quarter] **month**. On or before the [sixtieth] **thirtieth** day of each [calendar quarter] **month** following, a return for the preceding [quarter] **month** shall be filed with the governing body in such form as the governing body and service supplier **or wireless service supplier** shall agree. The service supplier **or wireless service supplier** will include the list of any service user **or wireless service user** refusing to pay the [tax] **taxes** imposed by sections 190.300 to 190.320 with each return filing. The service supplier **or wireless service supplier** required to file the return shall deliver the return, together with a remittance of the amount of the [tax] **taxes** collected under the provisions of sections 190.300 to 190.320. The records shall be maintained for a period of one year from the time the [tax] **taxes** is collected.

2. From every remittance to the governing body made on or before the date when the same becomes due, the service supplier **or wireless service supplier** required to remit the same shall be entitled to deduct and retain, as a collection fee, an amount equal to two percent thereof.

3. Every remittance to the governing body which is not paid within thirty days of the due date thereof by the service supplier or wireless service provider shall accrue interest at the rate of one percent per month for which such payment is overdue.

4. Nothing in this section shall prevent the governing body and the service supplier or wireless service supplier from entering into an agreement for an alternate remittance schedule which in no event shall require payments less frequently than quarterly.

5. For any county collecting the tax authorized pursuant to section 190.305, at least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by sections 190.300 to 190.320. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in sections 190.300 to 190.320. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify by mail every service supplier registered with it of the new rate. The governing body may require an audit of the service supplier's books and records concerning the collection and remittance of the tax authorized by sections 190.300 to 190.320.

6. Twenty percent of the taxes collected pursuant to any tax levied for wireless services pursuant to section 190.304, subject to the provisions of subsection 7 of this section, shall be collected by the governing body of the county or city not within a county levying the tax and forwarded each quarter to the department of revenue to be deposited in the 911 emergency services fund, which is created pursuant to section 190.312.

7. When at least sixty percent of the counties comprising at least seventy-five percent of the population in this state have enacted a tax pursuant to this section, the percentage of such taxes being deposited in the 911 emergency services fund shall be reduced from twenty percent to ten percent, and two calendar years after the office of administration verifies passage of the tax authorized pursuant to section 190.304 in ninety percent of the counties in the state, the percentage deposited in the 911 emergency services fund shall be eliminated.

190.312. 1. There is hereby created in the state treasury the "911 Emergency Services Fund", which shall consist of moneys collected pursuant to subsection 6 of section 190.310. The fund shall be administered by the office of administration in consultation with the department of public safety.

2. Cost for administering such program created pursuant to this section shall be paid from the 911 emergency services fund.

3. Other than costs for administration, moneys in the fund shall be used solely for matching grants to counties or a city not within a county for the purpose of implementation of a comprehensive statewide 911 system.

4. Only counties or a city not within a county which have authorized a tax pursuant to section 190.304 shall be eligible to receive grants from the 911 emergency services fund.

5. Any county or city not within a county receiving a grant pursuant to this section shall be required to match at least twenty-five percent of such grant with local funds.

6. No county or city not within a county shall receive grants in excess of five percent of the total funds available in any fiscal year or receive grants for longer than three consecutive years.

7. Grants may be made on a collective basis to counties which enter into an inter-county agreement to provide services.

8. The office of administration shall promulgate rules for the implementation and administration of grants from the 911 emergency services fund.

- 9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.**
- 10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.**
- 11. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**
- 190.335. 1. In lieu of the tax levy authorized under section **190.304** or 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.
2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.
3. The ballot of submission shall be in substantially the following form:
- Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?
- ☐ YES ☐ NO
- If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.
4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.
5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.
6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.
7. At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized,

that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

190.430. [1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8.] Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.

650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

(1) "911", the primary emergency telephone number within the wired and wireless telephone system;

[(1)] **(2) "Committee", the advisory committee for 911 service oversight established in section 650.325;**

[(2)] **(3) "Public safety answering point", the location at which 911 calls are initially answered;**

[(3)] **(4) "Telecommunicator", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.**

650.330. 1. The committee for 911 service oversight shall consist of sixteen members, one of which shall be chosen from the department of public safety who shall serve as chair of the committee and only vote in the instance of a tie vote among the other members, and the other members shall be selected as follows:

- (1) One member chosen to represent an association domiciled in this state whose primary interest relates to counties;
- (2) One member chosen to represent the Missouri public service commission;
- (3) One member chosen to represent emergency medical services;
- (4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;
- (5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;
- (6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;
- (7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;
- (8) One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;
- (9) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;
- (10) One member chosen to represent 911 service providers in counties of the second, third and fourth classification;
- (11) One member chosen to represent 911 service providers in counties of the first classification, with and without charter forms of government, and cities not within a county;
- (12) One member chosen to represent telecommunications service providers with at least one hundred thousand access lines located within Missouri;
- (13) One member chosen to represent telecommunications service providers with less than one hundred thousand access lines located within Missouri;
- (14) One member chosen to represent a professional association of physicians who conduct with emergency care; and
- (15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers.

2. Each of the members of the committee for 911 service oversight shall be appointed by the governor with the advice and consent of the senate for a term of four years; except that, of those members first appointed, four members shall be appointed to serve for one year, four members shall be appointed to serve for two years, four members shall be appointed to serve for three years and four members shall be appointed to serve for four years. Members of the committee may serve multiple terms.

3. The committee for 911 service oversight shall meet at least quarterly at a place and time specified by the chairperson of the committee and it shall keep and maintain records of such meetings, as well as the other activities of the committee. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the committee.

4. The committee for 911 service oversight shall:

- (1) Organize and adopt standards governing the committee's formal and informal procedures;
- (2) Provide recommendations for primary answering points and secondary answering points on statewide technical and operational standards for 911 services;

- (3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;
- (4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that such committee shall not supersede decision-making authority of local political subdivisions in regard to 911 services;
- (5) Provide assistance to the governor and the general assembly regarding 911 services;
- (6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;
- (7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;
- (8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state; [and]
- (9) Advise the department of public safety and the office of administration regarding the implementation of Federal Communications Docket 94-102 or any subsequent orders on the same or similar subjects;**
- (10) Advise the department of public safety and the office of administration on the administration of grants from the 911 emergency services fund created pursuant to section 190.312, RSMo, for the purpose of implementing comprehensive statewide 911 services;**

[(9)] **(11)** Advise the department of public safety on establishing rules and regulations necessary to administer the provisions of sections 650.320 to 650.340.

5. The department of public safety shall provide staff assistance to the committee for 911 service oversight as necessary in order for the committee to perform its duties pursuant to sections 650.320 to 650.340.

6. The department of public safety is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within section 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 3, Section 650.350, Line 63, by inserting after all of said line the following:

"[190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

- (1) "911", the primary emergency telephone number within the wireless system;
- (2) "Board", the wireless service provider enhanced 911 advisory board;
- (3) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;
- (4) "Public safety answering point", the location at which 911 calls are initially answered;
- (5) "Wireless service provider", a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq.).]

[190.410. 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:

- (1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;
- (2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;
- (3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and
- (4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

- (1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;
- (2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;
- (3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and
- (4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]

[190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the

moneys in the fund shall be deposited into the fund.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.]; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 39, Page 1, Section A, Line 2, by inserting after all of said line the following:

"195.215. 1. A person commits the offense of manufacturing of a controlled substance near schools if such person violates section 195.211 by unlawfully manufacturing any controlled substance within two thousand feet of the real property comprising a public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university, or on any school bus.

2. Violation of the provisions of this section is a class A felony."; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 39, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"577.075. 1. It shall be unlawful for any person not the owner or not in lawful control of an approved container of anhydrous ammonia to release or allow the escape of anhydrous ammonia into the atmosphere.

2. Unlawful release of anhydrous ammonia is a class B felony, unless such release causes death of a human being or causes serious physical injury to any person in which case it is a class A felony."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 39, Page 1, Section A, Line 2, by inserting after all of said line the following:

"195.211. 1. Except as authorized by sections 195.005 to 195.425 and except as provided in section 195.222, it is unlawful for any person to distribute, deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled substance or to possess with intent to distribute, deliver, manufacture, or produce a controlled substance.

2. Any person who violates or attempts to violate this section with respect to manufacturing or production of a controlled substance of any amount in a residence where a child resides or within two thousand feet of the real property comprising a public or private elementary or public or private elementary or secondary school, public vocational school or a public or private junior college, college or university, is guilty of a class A felony.

[2.] **3. Any person who violates or attempts to violate this section with respect to any controlled substance except five grams or less of marijuana is guilty of a class B felony.**

[3.] **4. Any person who violates this section with respect to distributing or delivering not more than five grams of marijuana is guilty of a class C felony.";** and

Further amend the title and enacting clause

accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 39, Page 3, Section 650.350, Line 63, by inserting after said line the following:

"Section 1. Any person who pleads guilty to or has been found guilty of any crime involving Chapter 195, RSMo, offense that requires a laboratory test, shall be assessed a one hundred fifty dollar surcharge for the reimbursement of the laboratory test."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SB 39**, as amended, was declared perfected and ordered printed.

Senator Childers moved that **SB 199**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 199, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 199

An Act to repeal sections 48.020 and 48.030, RSMo, relating to classification of counties, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Childers moved that **SCS** for **SB 199** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 199, Page 2, Section 48.030, Line 23, by inserting immediately after said line the following:

"64.907. 1. Any county subject to Environmental Protection Agency rules 40 C.F.R. Parts 9, 122, 123, and 124 concerning storm water discharges is authorized to adopt rules, regulations, or ordinances reasonably necessary to comply with such federal regulations including but not limited to rules, regulations, or ordinances which promote the best storm water management practices in regulating storm water discharges established by the Environmental Protection Agency.

2. Any county adopting rules, regulations, or ordinances under subsection 1 of this section is authorized to establish by rule, regulation, or ordinance a storm water control utility or other entity to administer any such rules, regulations, or ordinances adopted under subsection 1 of this section which shall include authority to impose user fees to fund the administration of such rules, regulations, or ordinances.

3. Any county adopting rules, regulations, or ordinances under subsection 1 of this section is authorized to establish by rule, regulation, or ordinance a storm water control utility tax in such amount as is deemed reasonable and necessary to fund public storm water control projects if such tax is approved by majority of the votes cast.

4. The tax authorized in this section shall be in addition to the charge for the storm water control and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for storm water control. Such tax shall be stated separately from all other charges and taxes.

5. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for storm water control in (name of city) at a rate of (insert rate of percent) percent for the sole purpose of storm water control?

[] YES [] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 199, Page 2, Section 48.030, Line 23, by inserting after the end of said line the following:

"49.272. The county commission of any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances.

56.640. 1. If a county counselor is appointed, he and his assistants under his direction shall represent the county and all departments, officers, institutions and agencies thereof, except as otherwise provided by law and shall upon request of any county department, officer, institution or agency for which legal counsel is otherwise provided by law, and upon the approval of the county commission, represent such department, officer, institution or agency. He shall commence, prosecute or defend, as the case may require, and exercise exclusive authority in all civil suits or actions in which the county or any county officer, commission or agency is a party, in his or its official capacity, he shall draw all contracts relating to the business of the county, he shall represent the county generally in all matters of civil law, and he shall upon request furnish written opinions to any county officer or department.

2. In all cases in which a civil fine may be imposed pursuant to section 49.272, RSMo, it shall be the duty of the county counselor, rather than the county prosecuting attorney, to prosecute such violations in the associate division of the circuit court in the county where the violation occurred.

3. Notwithstanding any law to the contrary, the county counselor in any county of the first classification and the prosecuting attorney of such county may by mutual cooperation agreement prosecute or defend any civil action which the prosecuting attorney or county counselor of the county is authorized or required by law to prosecute or defend."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Childers moved that **SCS** for **SB 199**, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SB 199**, as amended, was declared perfected and ordered printed.

Senator Loudon moved that **SB 620**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 620**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 620

An Act to repeal sections 100.710, 100.840, 100.850, and 178.892, RSMo, and to enact in lieu thereof nine new sections relating to job retention programs in the department of economic development, with contingent expiration dates and an emergency clause.

Was taken up.

Senator Loudon moved that **SCS** for **SB 620** be adopted.

Senator Wheeler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 620, Page 1, Section A, Line 4, by inserting after all of said line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in

the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri;

and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.

14. Notwithstanding anything contained in this section or in sections 99.800 to 99.865 to the contrary, for redevelopment plans or projects approved by ordinance that result in new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues calculated shall be based upon the amount of total taxes generated from the new jobs brought in by the national headquarters from another state rather than an increase in taxes based upon a base

year and prior calendar year calculation for such redevelopment project."; and

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted.

Senator Wheeler offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 620, Page 12, Section 99.845, Lines 5-14, by striking all of said lines and inserting in lieu thereof the following:

"14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.; and"

Senator Wheeler moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Wheeler moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SCS** for **SB 620**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 620**, as amended, was declared perfected and ordered printed.

SB 416, with **SCS**, was placed on the Informal Calendar.

Senator Dolan moved that **SB 381**, **SB 384**, **SB 432** and **SB 9**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 381, 384, 432** and **9**, as amended, was again taken up.

Senator Kennedy offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 53, Section 577.041, Line 6 by inserting after all of said line the following:

"Section 1. The bridge located on state route 19 and which is 0.3 miles to 0.5 miles north of state route 106 over Jacks' Fork River within Shannon County shall be designated the "Don Koller-Morris Westfall Bridge". All signage shall be paid for through private sources and shall meet appropriate specifications as set forth by the department of transportation."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 7, Section 302.302, Line 1, by inserting immediately after said line the following:

"302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. **The revocation period of any person whose license and driving privilege have been revoked a second time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after three years from the effective**

date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a third time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after five years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a fourth time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after seven years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a fifth or subsequent time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after ten years from the effective date of the revocation. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. [Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14.] No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions

of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

[15.] **14.** The fees for the program authorized in subsection [14] **13** of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo."; and

Further amend said bill, page 15, Section 302.700, line 25, by inserting immediately after said line the following:

"303.173. 1. The license and driving privilege of any person whose license and driving privilege have been revoked for the first time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits for liability coverage:

- (1) Not less than fifty thousand dollars because of bodily injury to or death of one person in any one accident;**
- (2) Subject to said limit for one person, not less than one hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and**
- (3) Not less than twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.**

2. The license and driving privilege of any person whose license and driving privilege have been revoked a second time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

- (1) Not less than seventy-five thousand dollars because of bodily injury to or death of one person in any one accident;**
- (2) Subject to said limit for one person, not less than one hundred fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident; and**
- (3) Not less than fifty thousand dollars because of injury to or destruction of property of others in any one accident.**

3. The license and driving privilege of any person whose license and driving privilege have been revoked a third time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for

reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

- (1) Not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident;
- (2) Subject to said limit for one person, not less than two hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and
- (3) Not less than seventy-five thousand dollars because of injury to or destruction of property of others in any one accident.

4. The license and driving privilege of any person whose license and driving privilege have been revoked a fourth or subsequent time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

- (1) Not less than two hundred fifty thousand dollars because of bodily injury to or death of one person in any one accident;
- (2) Subject to said limit for one person, not less than five hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and
- (3) Not less than one hundred thousand dollars because of injury to or destruction of property of others in any one accident.

5. If any person required by this section to file proof of financial responsibility demonstrating that such person has obtained an automobile liability insurance policy subject to certain minimum amounts of coverage, thereafter fails to maintain proof of the required coverage during any period of time such person owns, in whole or in part, any motor vehicle, the person's license and driving privilege shall be rerevoked."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 2, Section 300.410, Line 24 of said page, by inserting immediately after said line the following:

"301.057. The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is:

6,000 pounds and under \$ [25.50] **33.00**

6,001 pounds to 9,000 pounds [38.00] **49.50**

9,001 pounds to 12,000 pounds [38.00] **49.50**

12,001 pounds to 18,000 pounds	[63.00] 82.00
18,001 pounds to 24,000 pounds	[100.50] 131.00
24,001 pounds to 26,000 pounds	[127.00] 165.00
26,001 pounds to 30,000 pounds	[180.00] 234.00
30,001 pounds to 36,000 pounds	[275.50] 357.50
36,001 pounds to 42,000 pounds	[413.00] 537.00
42,001 pounds to 48,000 pounds	[550.50] 716.00
48,001 pounds to 54,000 pounds	[688.00] 894.00
54,001 pounds to 60,010 pounds	[825.50] 1,073.00
60,011 pounds to 66,000 pounds	[1,100.50] 1,431.00
66,001 pounds to 73,280 pounds	[1,375.50] 1,788.00
73,281 pounds to 78,000 pounds	[1,650.50] 2,146.00
78,001 pounds to 80,000 pounds	[1,719.50] 2,235.00

301.265. 1. The owner of any motor vehicle or, in the event the motor vehicle is legally operated by someone other than the owner, then the operator thereof, which is duly and legally registered in some other jurisdiction but which cannot legally be operated on Missouri highways under the provisions of section 301.271, or under the provisions of any applicable agreement duly entered into by the Missouri highway reciprocity commission, which is operated on the highways of this state only occasionally by such owner or operator, may in lieu of the payment of the registration fee for such vehicle, obtain a trip permit from the department of revenue authorizing the operation of such vehicle on the highways of this state for a period of not to exceed seventy-two hours. The trip permit is valid for use by any owner or operator who uses the vehicle during the seventy-two hour period. The fee for such trip permit shall be [ten] **fourteen dollars and fifty cents** and shall be collected by the department of revenue and deposited with the state treasurer to the credit of the state highway department fund except when an agreement has been negotiated with another jurisdiction whereby prepayment is not required. In such cases, the terms of the agreement shall prevail. When such trip permit fee has been paid on a motor vehicle, no registration or fee shall be required for a trailer or semitrailer duly and legally registered in any jurisdiction and propelled by such motor vehicle. The director of revenue shall prescribe rules and regulations to effectuate the purpose of this section. Application for such trip permits shall be made on a form prescribed by and shall contain such information as may be required by the director of revenue.

2. The requirements of Missouri law as to title of motor vehicles shall not be applicable to vehicles operated under such trip permits.

3. Any owner or operator who desires to use a trip permit for the operation of his vehicle shall secure such permit and the same must be in full force and effect before the vehicle enters or commences its trip in the state of Missouri.

4. Operators who fail to obtain such permit before the vehicle enters or commences its trip in this state are subject to arrest and must obtain such permit before proceeding. The permits shall be made available at official highway weight stations.

5. The purchase of a [ten] **fourteen dollar and fifty cents** trip permit shall allow such operator to haul the maximum weight allowed by statute.

6. Such permits may be sold in advance of the date of their use in such quantities as the director of revenue shall determine."; and

Further amend said bill, page 15, Section 302.700, line 25 of said page, by inserting immediately after said line the following:

"302.735. 1. The application for a commercial driver's license shall include, but not be limited to, the legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number, date of birth and any other information deemed appropriate by the director.

2. The application for a commercial driver's license or renewal shall be accompanied by the payment of a fee of [forty] **sixty** dollars. The fee for a duplicate commercial driver's license shall be [twenty] **thirty** dollars. A commercial driver's license shall expire on the applicant's birthday in the sixth year after issuance and must be renewed on or before the date of expiration. The director shall have the authority to stagger the issuance or renewal of commercial driver's license applicants over a six-year period. When a person changes such person's name an application for a duplicate license shall be made to the director of revenue. When a person changes such person's mailing address or residence the applicant shall notify the director of revenue of said change, however, no application for a duplicate license is required. To all applicants for a commercial license or renewal who are between eighteen and twenty-one years of age and seventy years of age and older, the application shall be accompanied by a fee of twenty dollars. A commercial license issued pursuant to an applicant less than twenty-one years of age and seventy years of age and older shall expire on the applicant's birthday in the third year after issuance.

3. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.

4. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled, for a period of one year after the director discovers such falsification."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion failed.

Senator Jacob offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 1, Section A, Line 11 of said page, by inserting immediately after said line the following:

"142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel, seventeen cents per gallon. **In addition to the tax levied pursuant to this section, there is levied an additional tax of three cents per gallon upon diesel fuel;**

(2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080, RSMo, to be collected as required under this chapter.

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in

this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	Absent--Senators		
Childers	Klindt	Mathewson	Quick
Russell--5			
	Absent with leave--Senator DePasco--1		

Senator Jacob requested a roll call vote be taken on the adoption of **SA 17**. He was joined in his request by Senators Coleman, Days, Kennedy and Wheeler.

SA 17 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Wheeler--9			
NAYS--Senators			
Bartle	Caskey	Cauthorn	Champion
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
Absent--Senator Childers-- 1			
Absent with leave--Senator DePasco-- 1			

Senator Scott offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 43, Section 568.055, Line 29, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 18**. He was joined in his request by Senators Caskey, Bartle, Days and Wheeler.

SA 18 failed of adoption by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Clemens	Foster	Kinder	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Vogel	Yeckel--15	

NAYS--Senators

Bland	Bray	Coleman	Days
Dolan	Dougherty	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Quick	Steelman	Stoll	Wheeler--16

Absent--Senators

Childers Klindt--2

Absent with leave--Senator DePasco--1

Senator Bartle offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 381, 384, 432 and 9, Page 44, Section 568.055, Line 25 of said page, by inserting after all of said line the following:

"577.017. 1. No person, **including the driver of the motor vehicle** shall consume [any] **an** alcoholic beverage [while operating a moving motor vehicle upon the highways, as defined in section 301.010, RSMo] **or possess an open alcoholic beverage container in the passenger area of a motor vehicle located on a highway or the right-of-way of a highway.**

2. Any person found guilty of violating the provisions of this section is guilty of an infraction **for which a fine not to exceed one hundred dollars may be imposed.**

3. Any infraction under this section shall not reflect on any records with the department of revenue.

4. The provisions of this section shall not apply to passengers in the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of persons for compensation or to passengers in the living quarters of a house coach, house trailer or recreational motor vehicle. The provisions of this section shall also not apply to the possession of an open alcoholic beverage container behind the last upright seat of a motor vehicle that is not equipped with a trunk.

5. "Alcoholic beverage" as used in this section includes all distilled spirits, regardless of the percentage of alcohol by volume the beverage contains. The term alcoholic beverage includes beer and wine if they contain one-half of one percent or more of alcohol by volume. The term alcoholic beverage shall include "intoxicating liquor" as defined in section 311.020, RSMo, and "nonintoxicating beer" as defined in section 312.010, RSMo.

6. As used in this section, "passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment.

7. As used in this section, "open alcoholic beverage container" means any bottle, can or other receptacle which:

(1) Contains any amount of alcoholic beverage, except for a receptacle that contains a de minimus amount or which is otherwise empty; and

(2) Is open or has a broken seal; or

(3) The contents are partially removed."; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Dolan, **SB 381, SB 384, SB 432 and SB 9**, with **SCS, SS** for **SCS** and **SA 19** (pending) were placed on the Informal Calendar.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 585, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leonard McAfee, St. Joseph, which was adopted.

Senator Klindt offered Senate Resolution No. 586, regarding the One Hundredth Birthday of Blanche Preston, Bethany, which was adopted.

Senator Yeckel offered Senate Resolution No. 587, regarding Violet J. Corbett, Knob Noster, which was adopted.

Senator Clemens offered Senate Resolution No. 588, regarding Willard R-II School District, Springfield, which was adopted.

Senator Caskey offered Senate Resolution No. 589, regarding the Criminal Justice Department at Central Missouri State University, Warrensburg, which was adopted.

Senator Gross offered Senate Resolution No. 590, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William J. Struckmann, St. Peters, which was adopted.

Senator Quick offered Senate Resolution No. 591, regarding the Honorable Kenneth Elliott, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Elizabeth Gambaro, Meghan King, and Paul Swanick, St. Louis.

Senator Champion introduced to the Senate, Dr. James Bridges, Dr. Robert Spence, Dr. Randall Halley, and Ken Tripp, Springfield.

Senator Klindt introduced to the Senate, Taryn Lamme and Chris Kozmenski, Andrew County Youth in Government.

Senator Klindt introduced to the Senate, William Nims, Ryan Parkhert and Ore Paris, Atchison County Youth in Government.

Senator Klindt introduced to the Senate, Christine Simpson, Platte County Youth in Government.

Senator Klindt introduced to the Senate, Dallas Kurtz, Darcy Howard and Jeni Graves, Holt County Youth in Government.

On behalf of Senator Scott and himself, Senator Mathewson introduced to the Senate, LeRoy Van Dyke and auctioneers from around the state.

Senator Clemens introduced to the Senate, John Grubaugh and Tom Chudomelka, Christian County.

Senator Kennedy introduced to the Senate, Ms. Nan Buscher and thirty seventh grade students from Immaculate Heart Of Mary School, St. Louis.

Senator Klindt introduced to the Senate, Marvin Harper, Jayne Dunn, Trisha Deen, Kristen Gray, Shannon Wonderly,

Chelsea Runez, Renae Mattson, Colin Flanagan, and Daisy Workman, Nodaway County Youth in Government.

Senator Days introduced to the Senate, forty-six young women representing "Take Your Daughter to Work Day" from around the state.

Senator Gibbons introduced to the Senate, Brianna Hickey, Webster Groves; Kristen Ingram, Clayton; and Sophie and Stacey Newman, Richmond Heights.

Senator Jacob introduced to the Senate, James, Rebecca, and Misty Ransdell, Ashland.

Senator Dolan introduced to the Senate, Marge Milner and Andrea Schneider, O'Fallon.

Senator Gross introduced to the Senate, his daughter, Megan, St. Charles; and Megan was made an honorary page.

Senator Griesheimer introduced to the Senate, tenth grade students from St. Clair High School, St. Clair; and students from St. Alban's Roe Catholic School, Wildwood.

Senator Yeckel introduced to the Senate, Karen Yost and Cub Scout Pack #267 from Beasley Elementary School, St. Louis.

Senator Kennedy introduced to the Senate, sixty-eight students from East Carter County R-II School, Ellsinore.

Senator Kinder introduced to the Senate, Maury Wiles, Jefferson City.

Senator Steelman introduced to the Senate, Brady Gordon.

Senator Klindt introduced to the Senate, Ryan Skipper, Brian Robertson, and Terry Coult, Chillicothe.

Senator Griesheimer introduced to the Senate, Catherine Maher, Pacific.

Senator Bray introduced to the Senate, forty fifth grade students from Community School, Ladue.

Senator Yeckel introduced to the Senate, George Gansner and twenty-six students from Mehlville High School, St. Louis.

Senator Russell introduced to the Senate, Kim Light, Lesli Reid, and Lance Boyer, Lebanon; and Angie Atkinson, Conway.

Senator Dougherty introduced to the Senate, Jan Long, Maleen Corrigan, Dixie Hummel, Carol Crouppen, Scott Hummel, Kathleen Hummel, and one hundred four volunteers of the Our Little Haven Residential Children's Treatment Center, St. Louis.

Senator Nodler introduced to the Senate, Annetta and Ed St. Clair, Robert Moss, Ryan Dexter, Todd Rominger, Mark Peron, Wesley Carrillo, Kirk Wattman, Amanda Nunley, Codi Busse, Melissa Whited, and Kerry Wattman, the State Government Class from Missouri State Southern College, Joplin.

Senator Caskey introduced to the Senate, Donald Albert, Sam Yancey, and students representing State Youth Government Day from Johnson County; and Rick Hammond, Lee Midgett, Conner Muse, and Megan Hughes were made honorary pages.

Senator Scott introduced to the Senate, Gailen Ailon, Linda Mueller, Tim Cunningham, Larry Noland, and Vicki Royer, Lincoln.

Senator Caskey introduced to the Senate, Sylvia Eldridge and representatives of Future Business Leaders of America, Rich Hill.

Senator Scott introduced to the Senate, Kayla Viebrock, Shawn Duryea, Mrs. Diana Ball, and Bonnie and Vern Bohling, Cole Camp.

Senator Kinder introduced to the Senate, former State Senator, Judge Steve Ehlmann.

Senator Cauthorn introduced to the Senate, Ashley Fletcher, Audrain County.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FOURTH DAY-WEDNESDAY, APRIL 16, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 267-Smith (118)

HS for HB 470-Mayer

THIRD READING OF SENATE BILLS

SS#2 for SS for SCS for

SB 2-Russell

SS for SCS for SB 5-Caskey

SB 243-Yeckel

SS for SCS for SBs 361, 103,

156 & 329-Steelman

(In Fiscal Oversight)

SB 184-Bartle and Scott

(In Fiscal Oversight)

SCS for SB 38-Klindt, et al

SS for SB 28-Gross

SENATE BILLS FOR PERFECTION

1. SB 219-Steelman and Yeckel

2. SJR 13-Stoll

3. SB 555-Kinder and Foster,
with SCS

4. SB 695-Goode and Russell

5. SB 693-Klindt, et al, with SCS

6. SB 12-Kinder and Scott

7. SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with
SCS

8. SB 27-Gibbons, with SCS

9. SB 209-Steelman, et al, with
SCS

10. SB 685-Gibbons, et al, with SCS

11. SB 455-Dougherty and Shields

12. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS

13. SB 446-Bartle, with SCS

14. SB 242-Yeckel, with SCA 1

15. SBs 415, 88, 200, 223, 413,

523, 589 & 626-Yeckel, with SCS

16. SB 564-Gross

17. SB 236-DePasco and Loudon

18. SB 458-Childers

19. SBs 312, 49, 111, 113, 191,

206, 263, 404, 409, 418, 538,

550 & 584-Dolan, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HS for HCS for HB 321-

Wilson (130) (Loudon)

HCS for HBs 122 & 80 (Bland)

HCS for HB 390, with SCS

(Cauthorn)

HCS for HB 380, with SCS

HCS for HB 289, with SCS

(Steelman)

(In Fiscal Oversight)

HS for HCS for HBs 349, 120,

136 & 328-Crawford

(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS & SA 6 (pending)

SB 217-Champion and
Clemens, with SS (pending)

SB 241-Yeckel, with SCS

SB 253-Steelman, et al, with
SCS, SS for SCS & SA 1
(pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with
SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,
with SCS, SS for SCS &
SA 19 (pending)

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS,

SS for SCS & SA 2 (pending)

SB 450-Mathewson, et al, with SCS,

SS for SCS & SA 2 (pending)

SB 460-Loudon, with SS &

SA 1 (pending)

SB 476-Jacob HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al (Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and

Parker (Dolan)

HB 292-Wagner (Stoll)

HB 358-Boykins (Coleman)

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al,

with SCS (Childers)

HB 314-Engler (Gross) Reported 4/8

HB 141-Mayer (Bartle)

Reported 4/14

HCS for HB 93 (Childers)

HCS for HB 97

HB 199-Jolly, et al (Wheeler)

HB 244-Baker, et al (Caskey)

HB 307-Merideth and Shoemaker

HCS for HB 318 (Caskey)

HB 326-Wagner, et al (Stoll)

HB 351-Quinn, et al (Klindt)

HB 375-Cooper (120) (Scott)

HB 463-King, et al (Caskey)

HCS for HB 472 (Bartle)

HB 552-Kingery, with SCS (Foster)

HB 574-Jackson and Selby

HB 594-Emery, et al (Nodler)

HB 512-Cooper (120), et al,
with SCS (Bartle)

HB 464-King, et al (Klindt)

HB 477-Moore, et al (Shields)

HB 440-Portwood

HB 376-Cooper (120) (Caskey)

HCS for HB 332

HCS for HB 202

HCS for HBs 59 & 269, with SCS

HB 445-Portwood, et al, with SCS

HB 597-Schlottach, et al

HCS for HB 245 (Clemens)

HB 162-Shoemaker (Cauthorn)

HB 284-Crawford, with SCS (Dolan)

HB 261-Whorton, et al (Klindt)

HB 249-Seigfreid (Mathewson)

HB 247-Ward, et al (Kennedy)

HCS for HB 392, with SCS

(Griesheimer)

HB 505-Byrd and Villa, with SCS

HB 57-Riback Wilson, with SCS

HB 60-Sutherland, with SCS

(Griesheimer)

HB 465-Hanaway, et al Reported 4/15

HB 388-Riback Wilson, et al

HCS for HB 253 (Mathewson)

HCS for HB 394

HCS for HB 427, with SCS

HB 430-Stevenson, et al (Caskey)

HB 599-Burnett, et al (Wheeler)

HCS for HB 613, with SCS

HCS for HBs 152 & 180, with

SCS (Bartle)

HCS for HBs 348 & 347 (Griesheimer)

HCS for HB 131 (Griesheimer)

HB 254-Byrd

HB 553-Smith (14) (Gross)

HB 523-Dusenberg, et al

HCS for HB 575, with SCS (Foster)

HB 75-Ruestman, et al (Childers)

HB 187-Cooper (120) and Davis (122)

HCS for HB 371, with SCS

HB 478-Moore, et al (Yeckel)

HCS for HB 493 (Dolan)

HB 491-Rupp, et al, with SCS

HCS for HB 356 (Scott)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1 (pending)

SCR 3-Loudon

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FOURTH DAY--WEDNESDAY, APRIL 16, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Therefore, we ought to support such people so that we may become co-workers with the truth." (3 John 8)

Loving Lord, help us to show how to be supportive to those who work with us to care for the people of this state. During these times, anxiety is high and fears for the future touch all of us. Help us Lord, to be faithful to the needs of our fellow servants who depend on our actions and look to us for assistance in their serving our fellow Missourians. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KMIZ-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 592, regarding Adrian R-III High School Head Football Coach George Bruto, Class 1A Coach of the Year, Adrian, which was adopted.

Senator Kinder offered Senate Resolution No. 593, regarding the Jackson High School Lady Indians Basketball Program, Jackson, which was adopted.

CONCURRENT RESOLUTIONS

Senator Bland offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 19

WHEREAS, hepatitis C is a disease of the liver caused by the hepatitis C virus which damages liver cells and causes the liver to become swollen and tender, however, hepatitis has many other causes, including some medications, long-term alcohol abuse, and exposure to industrial chemicals; and

WHEREAS, although there is no vaccine to prevent infection with the hepatitis C virus (HCV), research is underway to develop one, but it is difficult to create an effective vaccine because new strains of the original virus can develop that are not affected by a vaccine against the original strain; and

WHEREAS, since all donated blood is screened for hepatitis C, many people are unaware they have hepatitis C until they try to donate blood and are notified by a blood donation center; and

WHEREAS, chronic hepatitis may be treated with medications that fight viral infections, however, the standard treatment of interferon and ribavirin is not an option for every person and only 30%-40% of those who receive antivirals are cured of the infection; and

WHEREAS, the impact of the disease on certain populations, such as intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals, is still unknown in Missouri;

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby, hereby establish a Hepatitis C Task Force to examine the impact of the hepatitis C virus (HCV) on intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals in Missouri; and

BE IT FURTHER RESOLVED that the Task Force shall be comprised of the following nine persons appointed by the Governor with the advice and consent of the House of Representatives:

- (1) Two persons from the Department of Mental Health;
- (2) Two persons from the Department of Health and Senior Services;
- (3) One person from the Department of Corrections;
- (4) Two persons from community organizations providing services to persons with HCV; and
- (5) Two persons living with HCV; and

BE IT FURTHER RESOLVED that two members of the Senate appointed by the President Pro Tem of the Senate and two members of the House of Representatives appointed by the Speaker of the House of Representatives and shall serve in an advisory capacity to the Task Force; and

BE IT FURTHER RESOLVED that the Task Force shall conduct research and evaluate key legislative, programmatic, and socioeconomic issues that are related to the impact of HCV on the aforementioned populations and make recommendations on ways to improve outreach, prevention, and intervention; and

BE IT FURTHER RESOLVED that the Task Force shall complete its work and submit a report to the General Assembly within one year of its formation, with the advisory House and Senate members of the Task Force providing guidance to the Task Force in its conduct and scope of its work; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Bob Holden.

THIRD READING OF SENATE BILLS

SS No. 2 for SS for SCS for SB 2, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 2

An Act to repeal sections 285.300, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof thirteen new sections relating to employees, with an emergency clause and penalty provisions.

Was taken up by Senator Russell.

President Pro Tem Kinder assumed the Chair.

On motion of Senator Russell, **SS No. 2** for **SS** for **SCS** for **SB 2** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--23	
	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Stoll
Wheeler--9			
	Absent--Senator Quick--1		
	Absent with leave--Senator DePasco--1		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--25			
	NAYS--Senators		
Bland	Bray	Days	Dougherty
Jacob	Wheeler--6		
	Absent--Senators		
Coleman	Quick--2		
	Absent with leave--Senator DePasco--1		

Senator Shields assumed the Chair.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 5**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5

An Act to repeal sections 217.362, 217.541, 217.730, 217.750, 217.760, 478.610, 513.653, 556.061, 557.036, 558.011, 558.016, 558.019, 559.026, 559.115, 559.615, 568.045, 570.030, and 570.040, RSMo, and to enact in lieu thereof twenty new sections relating to various sentencing provisions, with penalty provisions.

Was taken up.

On motion of Senator Caskey, **SS** for **SCS** for **SB 5** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Champion	Coleman	Jacob	Loudon
Mathewson	Russell	Wheeler--7	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 243, introduced by Senator Yeckel, entitled:

An Act to amend chapter 37, RSMo, by adding thereto two new sections relating to the creation of the property preservation fund.

Was taken up.

On motion of Senator Yeckel, **SB 243** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Dolan	Mathewson	Russell--3
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 219** be taken up for perfection, which motion prevailed.

Senator Steelman offered **SS** for **SB 219**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 219

An Act to repeal sections 42.175 and 313.835, RSMo, and to enact in lieu thereof six new sections relating to medallions for service in the armed forces, with an emergency clause.

Senator Steelman moved that **SS** for **SB 219** be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **SB 219** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HS** for **HCS** for **HBs 349, 120, 136** and **328**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle requested unanimous consent of the Senate to submit a corrected committee report on **HCS** for **HB 394**, which request was granted.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the

following committee report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 394**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 394, Page 2, Section 194.119, Line 16, by striking all of said line and inserting in lieu thereof the following: "**serve as next-of-kin shall serve in the order provided in subdivisions (3) to (8) of this subsection;**".

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 39**; **SCS** for **SB 199**; and **SCS** for **SB 620**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 600**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Gibbons, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 594, regarding the Lafayette High School Student Council, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 595, regarding Matthew Norman Bowers, Kansas City, which was adopted.

Senator Foster offered Senate Resolution No. 596, regarding the Northern Cherokee Tribe of Missouri and Arkansas Tribal Council, which was adopted.

Senator Shields offered Senate Resolution No. 597, regarding Missouri State Highway Patrolman Brian Kelley, St. Joseph, which was adopted.

Senator Yeckel offered Senate Resolution No. 598, regarding Naval Flight Officer Matt "Teflon" Wilder, St. Louis County, which was adopted.

Senator Griesheimer offered Senate Resolution No. 599, regarding Christopher Gladwill, Washington, which was adopted.

Senator Caskey offered Senate Resolution No. 600, regarding Frederica Craft, Amoret, which was adopted.

Senator Mathewson offered Senate Resolution No. 601, regarding Joseph L. Driskill, Jefferson City, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Stoll moved that **SJR 13** be taken up for adoption, which motion prevailed.

At the request of Senator Stoll, **SJR 13** was placed on the Informal Calendar.

Senator Kinder moved that **SB 555**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 555**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 555

An Act to amend chapter 91, RSMo, by adding thereto one new section relating to the supply of electrical power and energy to certain large industrial customers, with an emergency clause.

Was taken up.

Senator Kinder moved that **SCS** for **SB 555** be adopted.

Senator Kinder offered **SS** for **SCS** for **SB 555**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 555

An Act to repeal section 91.030, RSMo, and to enact in lieu thereof two new sections relating to the supply of electrical power and energy, with an emergency clause.

Senator Kinder moved that **SS** for **SCS** for **SB 555** be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SCS** for **SB 555** was declared perfected and ordered printed.

At the request of Senator Goode, **SB 695** was placed on the Informal Calendar.

At the request of Senator Klindt, **SB 693**, with **SCS**, was placed on the Informal Calendar.

Senator Kinder moved that **SB 12** be taken up for perfection, which motion prevailed.

Senator Gross assumed the Chair.

Senator Kennedy offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 12, Page 2, Section 1.307, Line 10, by inserting after all of said line the following:

"1.309. A governmental authority may not restrict an inmate's or prisoner's free exercise of religion unless it demonstrates that the application of the restriction to an inmate held in a state correctional facility or prisoner held in a county or municipal jail is reasonably related to legitimate penological interests and otherwise meets all criteria set forth by the United States Supreme Court."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion failed.

On motion of Senator Kinder, **SB 12** was declared perfected and ordered printed.

Senator Dolan moved that **SB 381, SB 384, SB 432** and **SB 9**, with **SCS, SS** for **SCS** and **SA 19** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 19 was again taken up.

At the request of Senator Bartle, the above amendment was withdrawn.

At the request of Senator Dolan, **SB 381, SB 384, SB 432** and **SB 9**, with **SCS** and **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

Senator Shields assumed the Chair.

Senator Gross moved that **SB 248, SB 100, SB 118, SB 233, SB 247, SB 341** and **SB 420**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 248, 100, 118, 233, 247, 341** and **420**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 248, 100, 118, 233, 247, 341 and 420

An Act to repeal sections 86.690, 104.010, 104.271, 104.1003, 104.1024, 169.030, 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, 169.670, 287.845, RSMo, and to enact in lieu thereof twenty-five new sections relating to the retirement systems and benefits, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Gross moved that **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420** be adopted.

Senator Gross offered **SS** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 248, 100, 118, 233, 247, 341 and 420

An Act to repeal sections 86.690, 104.010, 104.040, 104.271, 104.1003, 104.1024, 169.030, 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, 169.670, 287.845, RSMo, and to enact in lieu thereof twenty-six new sections relating to the retirement systems and benefits, with penalty provisions and an emergency clause for certain sections.

Senator Gross moved that **SS** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341 and 420, Page 21, Section 104.271, Line 27, by inserting after all of said line the following:

"104.370. 1. Any member of the general assembly who has served at least three full biennial assemblies as a member

of the general assembly and who meets the conditions for retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred fifty dollars multiplied by the number of biennial assemblies in which such member has served. For the purpose of calculating benefits due under this subsection:

(1) Service in any portion of a biennial assembly after service in at least three biennial assemblies shall be credited as service in a full biennial assembly; and

(2) Any person who is elected as a member of the general assembly at a special election and who serves the remainder of that term to which he was elected at such special election shall receive credit for a full biennial assembly for such service.

2. If a member of either retirement system established by this chapter, who has served at least three full biennial assemblies as a member of the general assembly, is elected to a state office, appointed to a state office, or employed by the state before, after, or before and after his service as a member of the general assembly, the member may, at the end of such employment, receive upon retirement, at or after the member's normal retirement age, the amount which shall be due the member for creditable service as a member of the general assembly. If he has not fully vested as a result of his employment as other than a member of the general assembly, he shall be credited with additional service as a legislator just as though all of the service combined had in fact been rendered as a member of the general assembly and receive a normal annuity. If the member retires before normal retirement age, the member shall receive the actuarial reduction approved by the board. Nothing in this section shall allow any member to simultaneously accumulate service in more than one state retirement system as a member of the general assembly and an employee or state officer; **provided that, any member who otherwise would accrue simultaneous creditable service as a member of the general assembly and as an employee or state officer, may elect prior to retirement to receive such member's service as an employee or state officer in lieu of receiving such creditable service as a member of the general assembly pursuant to subdivision (1) of subsection 1 of this section. Any member who makes such election shall receive creditable service for the member's remaining legislative service equal the pro rata portion of the biennial assembly actually served by such member. The provisions of this subsection providing an election with regard to simultaneous creditable service shall apply to any member of the general assembly who is employed on or after August 28, 2003, or any former member of the general assembly who is employed as an employee or state officer on or after August 28, 2003. The term "state officer" as used in this subsection includes a statewide elected official as described pursuant to section 104.371, an administrative law judge or legal advisor as defined in section 287.812, RSMo, or a judge as defined in section 476.515, RSMo.**

3. A member who has fully vested as a state officer or employee and has service as a member of the general assembly of less than three full biennial assemblies, upon retirement, at or after the member's normal retirement age, shall be credited with additional service as a state officer or employee for the time he served as a member of the general assembly. If the member retires before normal retirement age, he shall receive the actuarial reduction approved by the board.

4. Any member of the general assembly who has served at least three full biennial assemblies and whose service as such terminates on or after October 1, 1984, and who served as an employee, as that term is defined in section 104.010, prior to the respective dates on which the retirement systems to which such sections apply originally became effective, but was not such an employee on such dates, shall be entitled to the creditable prior service that such employee would have been entitled to in either or both systems had such employee become a member on the date of inception of either or both systems. The maximum number of years of creditable prior service to which a member may become entitled pursuant to this section is less than ten years. The benefits attributable to such service shall be calculated as if all service was rendered as a member of the general assembly.

5. Any former member of the general assembly who is receiving benefits under the provisions of this section shall, upon written request to the board, be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement and other related matters and shall upon request of the board give opinions in writing or orally in response to such requests. As compensation for such services, the retired member shall have his retirement benefits recalculated the first of the month next following his application under this subsection to reflect that any

portion of a year of creditable service shall be counted as one full biennial session.

6. Any retired member who is receiving benefits from the system and is elected to the general assembly but does not serve at least three biennial sessions shall receive creditable service for the time he served in the general assembly and upon leaving the general assembly shall have an additional benefit calculated using such service.

7. Benefits paid for service credited to legislative service shall be funded as provided in section 104.436.

8. Any former member of the general assembly not retired on August 28, 1994, who is fifty-five years of age or more and who has creditable service in the general assembly of at least three full biennial assemblies and has not used such services as creditable services in any other retirement system shall be made and employed by the board as a special consultant on the problems related to retirement and shall, when requested by the board, give opinions either written or orally on such problems. As compensation for such duties the former member of the general assembly shall be entitled to retire with a normal annuity effective the first of the month following receipt by the board of a written application.

9. Notwithstanding any other law to the contrary, any active member of the Missouri state employees' retirement system who is vested, on August 28, 1994, under the provisions of subsection 1 of this section, and who has served as an elected county official and who, by virtue of such service was a member of a retirement system other than the Missouri state employees' retirement system but was not vested in such other retirement system, or was not a member of any retirement system, shall receive creditable prior service in the Missouri state employees' retirement system for such previous service as an elected county official."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341 and 420, Page 64, Section 169.590, Line 5, by striking "one" and inserting in lieu thereof "[one] two".

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341 and 420, Page 29, Section 104.1024, Line 19 of said page, by inserting immediately after said line the following:

"168.303. The state board of education shall adopt rules to facilitate job-sharing positions for classroom teachers, as the term "job-sharing" is defined in this section. These rules shall provide that a classroom teacher in a job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. "Job-sharing position" shall mean any position:

(1) Shared with one other employee;

(2) Requiring employment of at least seventeen hours per week but not more than twenty hours per week on a regular basis; and

(3) Requiring at least seventy percent of all time spent in classroom instruction as determined by the employer;

provided that, job-sharing position shall not include instructional support or school services positions including, but not limited to, guidance counselor, media coordinator, psychologist, social worker, audiologist, speech and

language pathologist, and nursing positions."; and

Further amend said bill, page 90, Section 169.673, line 12 of said page, by inserting immediately after said line the following:

"169.712. **1.** Notwithstanding any provision of law to the contrary, any person duly certificated under the law governing the certification of teachers **in Missouri** who, after August 28, 1997, is first employed in a position which would otherwise qualify the person for membership in the nonteacher school employee retirement system pursuant to the provisions of sections 169.600 to 169.710 shall be a member of the public school retirement system pursuant to the provisions of sections 169.010 to 169.141, and shall receive creditable service on a pro rata basis in that system for subsequent certificated services which would otherwise have been creditable in the nonteacher school employee retirement system. Any such person shall have the option of being a member of the nonteacher school employee retirement system. The option election must be filed with the board of trustees of the public school retirement system within ninety days of first such employment following August 28, 1997.

2. Notwithstanding any provision of law to the contrary, any person duly certificated under the law governing the certification of teachers in Missouri who, on or after August 28, 2003, is employed by a public school, as defined in section 169.010, for at least seventeen but less than twenty hours per week on a regular basis shall be a member of the public school retirement system pursuant to the provisions of sections 169.010 to 169.141, and shall receive creditable service on a pro rata basis in that system. Any such person shall have the option of being a member of the nonteacher school employee retirement system. The option election must be filed with the board of trustees of the public school retirement system within ninety days of first such employment or within ninety days of August 28, 2003, whichever later occurs.

3. Any person who is a member of the public school retirement system or the nonteacher school employee retirement system pursuant to subsection 2 of this section may purchase credit in such system for service after August 28, 1991, that would have qualified such person for membership in either retirement system pursuant to subsection 2 of this section had such subsection been in effect prior to August 28, 2003; provided that such purchase of credit in the public school retirement system shall be subject to the provisions of section 169.056 and such purchase of credit in the nonteacher school employee retirement system shall be subject to the provisions of section 169.655."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Gross, **SB 248, SB 100, SB 118, SB 233, SB 247, SB 341** and **SB 420**, with **SCS** and **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 219**; **SS** for **SCS** for **SB 555**; and **SB 12**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 620**; **SB 12**; **SB 39**; and **HCS** for **HB 600**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Bland offered the following resolution:

SENATE RESOLUTION NUMBER 602

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the Youth Leadership Conference sponsored by the Missouri Legislative Black Caucus Foundation is an educational experience in state government for youth by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, hereby grant the Youth Leadership Conference permission to use the Senate Chamber on Friday, July 11, 2003, and Saturday, July 12, 2003, from 8 a.m. to 5 p.m.

Senator Bland requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 602** up for adoption, which request was granted.

On motion of Senator Bland, **SR 602** was adopted.

Senator Bland offered Senate Resolution No. 603, regarding Spring Convocation of the Third Episcopal District of the Christian Methodist Episcopal Church, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Childers introduced to the Senate, students from Cassville High School, Cassville; and Jared Corn was made an honorary page.

On behalf of Senators Steelman, Stoll, Griesheimer, Foster and himself, Senator Kennedy introduced to the Senate, Jerri Sites, Sullivan; and J. Tracy Wieking, Festus.

On behalf of Senator Vogel and herself, Senator Coleman introduced to the Senate, Amy Rogers, Jefferson City.

Senator Bartle introduced to the Senate, members of the Blue Springs Chamber Leadership, Blue Springs.

Senator Yeckel introduced to the Senate, Sister Mary Jean Ryan, SSM, Dixie Platt, and Suzy Farron, St. Louis.

Senator Goode introduced to the Senate, Richard Kling, Christopher Almond, and students from St. Angela Merici School, St. Louis; and Jordan Barnes, Sarah Graham, Christina Reddan, and Joseph Theisman were made honorary pages.

Senator Gross introduced to the Senate, the Duchesne High School Girls Class 4A State Championship Basketball Team: Coaches: Charlie Elmendorf, Pat Steagall, Courtney Bland, and Mike Kelley; Team Manager: Jenna Friedel; Statisticians: Michelle Fortner, Angela Fortner, and Amanda Simon; and Players: Meghan Blase, Julie Stevens, Abby Goellner, Brittany Mannings, Emily Friedel, Lauren Thoele, Alison Brown, Megan Hagerty, Emily Lynch, Missy Hollander, Maggie Hoette, Sarah Sullivan, and Lindsey Zaleuke, St. Charles.

Senator Cauthorn introduced to the Senate, Stacy Johnson Caran, Audrain County; and Alvin Johnson, Franklin County.

Senator Steelman introduced to the Senate, Ken Clayton, Phelps County; and Laura Kriebs, Pulaski County.

Senator Kennedy introduced to the Senate, John D. Rupp, Potosi.

Senator Caskey introduced to the Senate, Coach George Bruto and members of the Adrian High School "Blackhawks" Class 1A State Football Champions, Adrian.

Senator Kennedy introduced to the Senate, Principal Barry Stahl, Superintendent and Coach Larry Morgan, and members of the East Carter County R-II Class 2-A State Basketball Champions, Clearwater.

Senator Russell introduced to the Senate, Fire Chief Tim Bean, West Plains.

On behalf of Senator Klindt and himself, Senator Cauthorn introduced to the Senate, Dana Farris, and twenty-two sixth grade students and adults from Green City School, Sullivan County.

Senator Champion introduced to the Senate, Charlie Dennison, Ron Mock, Jim Tygret, and Mavis Busiek, Springfield.

Senator Stoll introduced to the Senate, Rick Freedman, Pacific; and Terry Sahr, Cedar Hill.

Senator Bartle introduced to the Senate, members of the Grain Valley Chamber of Commerce, Grain Valley.

Senator Gross introduced to the Senate, Carl J. Maus and his son, C.J., Penny Bennett, Mark Torrisi, Fred and Penny Henke, and Jim Bennett, St. Charles.

Senator Shields introduced to the Senate, Bill

Freund and eighth grade students from St. Therese Middle School, St. Joseph; and Emma Drake, Stephen Hinkle, Laura Hilliard, and Lydia Maas were made honorary pages.

Senator Klindt introduced to the Senate, his daughter-in-law, Karen Klindt, his grandsons, Ashton and Landon, and seventy-five fourth grade students from South Harrison Elementary School, Bethany; and Ashton and Landon were made honorary pages.

Senator Champion introduced to the Senate, Nathan and Jeremy Garten, Springfield.

On behalf of Senator Bartle, the President introduced to the Senate, representatives of the Metropolitan Council on Developmental Disabilities, Jackson County.

Senator Wheeler introduced to the Senate, Carol Dzury and Roy Johnson, Kansas City.

Senator Scott introduced to the Senate, Wes Kemp and Lane Nutt, Bolivar; and Elton Evans, El Dorado Springs.

Senator Dolan introduced to the Senate, former State Representative Bill Luetkenhaus, St. Charles County.

Senator Caskey introduced to the Senate, Dan Dodson, Washington, D.C.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 267-Smith (118)

HS for HB 470-Mayer

THIRD READING OF SENATE BILLS

1. SS for SCS for SBs 361,
103, 156 & 329-Steelman

(In Fiscal Oversight)

2. SB 184-Bartle and Scott

(In Fiscal Oversight)

3. SCS for SB 38-Klindt, et al

4. SS for SB 28-Gross

5. SB 39-Cauthorn, et al

(In Fiscal Oversight)

6. SCS for SB 199-Childers

7. SCS for SB 620-Loudon, et al

(In Fiscal Oversight)

8. SS for SB 219-Steelman
 9. SS for SCS for SB 555-Kinder
 10. SB 12-Kinder and Scott
- (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 27-Gibbons, with SCS
2. SB 209-Steelman, et al,
with SCS
3. SB 685-Gibbons, et al, with SCS
4. SB 455-Dougherty and Shields
5. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS
6. SB 446-Bartle, with SCS
7. SB 242-Yeckel, with SCA 1
8. SBs 415, 88, 200, 223, 413,
523, 589 & 626-Yeckel,
with SCS
9. SB 564-Gross
10. SB 236-DePasco and Loudon
11. SB 458-Childers
12. SBs 312, 49, 111, 113, 191,
206, 263, 404, 409, 418, 538,

550 & 584-Dolan, et al, with
SCS

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HS for HCS for HB 321-

Wilson (130) (Loudon)

HCS for HBs 122 & 80

(Bland)

HCS for HB 390, with SCS

(Cauthorn)

HCS for HB 380, with SCS

(Bartle)

HCS for HB 289, with SCS

(Steelman)

(In Fiscal Oversight)

HS for HCS for HBs 349, 120,

136 & 328-Crawford

HCS for HB 600, with SCS

(Shields)

(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS & SA 6 (pending)

SB 217-Champion and
Clemens, with SS (pending)

SB 241-Yeckel, with SCS

SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with
SCS & SS for SCS (pending)

SB 253-Steelman, et al, with
SCS, SS for SCS & SA 1
(pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with
SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9- Dolan,

with SCS & SS for SCS (pending)

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS, SS for

SCS & SA 2 (pending)

SB 450-Mathewson, et al, with SCS,

SS for SCS & SA 2 (pending)

SB 460-Loudon, with SS & SA 1

(pending)

SB 476-Jacob

SB 693-Klindt, et al, with SCS

SB 695-Goode and Russell

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al (Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and

Parker (Dolan)

HB 292-Wagner (Stoll)

HB 358-Boykins (Coleman)

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al, with

SCS (Childers)

HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer (Bartle)

Reported 4/14

HCS for HB 93 (Childers)

HCS for HB 97 (Stoll)

HB 199-Jolly, et al (Wheeler)

HB 244-Baker, et al (Caskey)

HB 307-Merideth and Shoemaker

HCS for HB 318 (Caskey)

HB 326-Wagner, et al (Stoll)

HB 351-Quinn, et al (Klindt)

HB 375-Cooper (120) (Scott)

HB 463-King, et al (Caskey)

HCS for HB 472 (Bartle)

HB 552-Kingery, with SCS (Foster)

HB 574-Jackson and Selby

(Griesheimer)

HB 594-Emery, et al (Nodler)

HB 512-Cooper (120), et al,

with SCS (Bartle)

HB 464-King, et al (Klindt)

HB 477-Moore, et al (Shields)

HB 440-Portwood (Steelman)

HB 376-Cooper (120) (Caskey)

HCS for HB 332 (Steelman)

HCS for HB 202 (Steelman)

HCS for HBs 59 & 269, with

SCS (Shields)

HB 445-Portwood, et al, with

SCS (Loudon)

HB 597-Schlottach, et al (Dolan)

HCS for HB 245 (Clemens)

HB 162-Shoemaker (Cauthorn)

HB 284-Crawford, with SCS

(Dolan)

HB 261-Whorton, et al (Klindt)

HB 249-Seigfreid (Mathewson)

HB 247-Ward, et al (Kennedy)

HCS for HB 392, with SCS

(Griesheimer)

HB 505-Byrd and Villa, with SCS

(Mathewson)

HB 57-Riback Wilson, with SCS

(Jacob)

HB 60-Sutherland, with SCS

(Griesheimer)

HB 465-Hanaway, et al (Kinder) Reported 4/15

HB 388-Riback Wilson, et al

(Jacob)

HCS for HB 253 (Mathewson)

HCS for HB 394, with SCA 1

(Caskey)

HCS for HB 427, with SCS

(Bartle)

HB 430-Stevenson, et al (Caskey)

HB 599-Burnett, et al (Wheeler)

HCS for HB 613, with SCS

(Bartle)

HCS for HBs 152 & 180,

with SCS (Bartle)

HCS for HBs 348 & 347

(Griesheimer)

HCS for HB 131 (Griesheimer)

HB 254-Byrd (Klindt)

HB 553-Smith (14) (Gross)

HB 523-Dusenberg, et al

(Vogel)

HCS for HB 575, with SCS

(Foster)

HB 75-Ruestman, et al (Childers)

HB 187-Cooper (120) and

Davis (122) (Dolan)

HCS for HB 371, with SCS

(Dolan)

HB 478-Moore, et al (Yeckel)

HCS for HB 493 (Dolan)

HB 491-Rupp, et al, with SCS

(Dolan)

HCS for HB 356 (Scott)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

SCR 19-Bland

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 3-Loudon

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIFTH DAY--THURSDAY, APRIL 17, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Keep awake therefore; for you do not know neither the day nor the hour." (Matthew 25:13)

Most Gracious God, give us discerning hearts that we may see the need before us, even if it is our family who at times feels neglected while we are working so hard here. Save us from distractions and move us to faithful, loving behavior to those who love us. And help us beware of the New Life that this weekend offers each of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KMIZ-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 604, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Elwood Porter, Mexico, which was adopted.

Senator Yeckel offered Senate Resolution No. 605, regarding Helen Christine Fauller, Barnhart, which was adopted.

Senator Yeckel offered Senate Resolution No. 606, regarding Elizabeth Poelker, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 607, regarding Emily Herzog, Ste. Genevieve, which was adopted.

Senator Yeckel offered Senate Resolution No. 608, regarding Laura J. Akins, Ste. Genevieve, which was adopted.

Senator Yeckel offered Senate Resolution No. 609, regarding Sandra Flanigan, Arnold, which was adopted.

Senator Yeckel offered Senate Resolution No. 610, regarding Michelle Moll, Wildwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 611, regarding Sara Sandmeier, Dittmer, which was adopted.

Senator Yeckel offered Senate Resolution No. 612, regarding Danielle Nygaard, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 613, regarding Katrina Bauer, St. Peters, which was adopted.

Senator Yeckel offered Senate Resolution No. 614, regarding Michelle M. Tanner, Ballwin, which was adopted.

Senator Yeckel offered Senate Resolution No. 615, regarding Kathleen E. Perry, Sunset Hills, which was adopted.

Senator Yeckel offered Senate Resolution No. 616, regarding Kathleen Hampton, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 617, regarding Kathleen Murphy, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 618, regarding Maureen Murphy, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 619, regarding April Marie Troup, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 620, regarding Betheny Bonnot, Arnold, which was adopted.

Senator Yeckel offered Senate Resolution No. 621, regarding Sarah Ann Meehan, Shrewsbury, which was adopted.

Senator Yeckel offered Senate Resolution No. 622, regarding Jennifer Lynn Ploesser, Arnold, which was adopted.

Senator Yeckel offered Senate Resolution No. 623, regarding Amanda Herzog, Glencoe, which was adopted.

Senator Yeckel offered Senate Resolution No. 624, regarding Lauren D. Grady, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 625, regarding Erin Muffett, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 626, regarding Cortney Leigh-Anne Kellogg, Arnold, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Rebecca A. Buchholz, as a member of the State Board of Health;

Also,

Robert E. Thomson and Joan L. Berkman, as members of the Missouri Community Service Commission;

Also,

George J. Gladis, as a member of the State Mental Health Commission;

Also,

Cecil Gordon Wood, as a member of the Missouri State Board of Accountancy;

Also,

Neil J. Svetanics, as a member of the Missouri Fire Safety Advisory Board;

Also,

Karen L. Daniel, as a member of the Northwest Missouri State University Board of Regents;

Also,

Christopher J. Maglio, as a member and Willa McCullough as a public member of the State Committee of Psychologists;

Also,

Susan L. Else, as a member of the Missouri Women's Council.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HB 511**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 444**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HB 208**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 485**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 286**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 144**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Kinder referred **SS** for **SB 219**, to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SCS for **SB 38**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 38**

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the establishment of the Missouri biomass technology commission, with an expiration date.

Was taken up by Senator Klindt.

On motion of Senator Klindt, **SCS** for **SB 38** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Days	Dougherty	Russell--4
Absent with leave--Senator DePasco--1			

The President Pro Tem declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SB 28**, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 28

An Act to repeal section 33.250, RSMo, and to enact in lieu thereof one new section relating to estimates of revenue for state budgeting purposes.

Was taken up.

Senator Shields assumed the Chair.

On motion of Senator Gross, **SS** for **SB 28** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Days	Russell--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 199**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 199

An Act to repeal sections 48.020, 48.030, and 56.640, RSMo, relating to classification of counties, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up by Senator Childers.

On motion of Senator Childers, **SCS** for **SB 199** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster

Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Days--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 555**, introduced by Senator Kinder, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 555

An Act to repeal section 91.030, RSMo, and to enact in lieu thereof two new sections relating to the supply of electrical power and energy, with an emergency clause.

Was taken up.

On motion of Senator Kinder, **SS** for **SCS** for **SB 555** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Coleman	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Champion	Clemens	Days	Quick--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Wheeler--29			
	NAYS--Senators--None		
	Absent--Senators		
Days	Quick	Stoll	Yeckel--4
	Absent with leave--Senator DePasco--1		

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 73** was placed on the Informal Calendar.

HS for **HCS** for **HB 321** was placed on the Informal Calendar.

At the request of Senator Bland, **HCS** for **HBs 122** and **80** was placed on the Informal Calendar.

At the request of Senator Cauthorn, **HCS** for **HB 390**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 380**, with **SCS**, entitled:

An Act to repeal sections 409.101, 409.102, 409.201, 409.202, 409.203, 409.204, 409.301, 409.302, 409.303, 409.304, 409.305, 409.306, 409.307, 409.401, 409.402, 409.403, 409.404, 409.405, 409.406, 409.407, 409.408, 409.409, 409.410, 409.411, 409.412, 409.413, 409.414, 409.415, 409.416, 409.418, 409.420, and 409.421, RSMo, and to enact in lieu thereof fifty-three new sections relating to securities regulation, with penalty provisions.

Was taken up by Senator Bartle.

SCS for **HCS** for **HB 380**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 380

An Act to repeal sections 409.101, 409.102, 409.201, 409.202, 409.203, 409.204, 409.301, 409.302, 409.303, 409.304, 409.305, 409.306, 409.307, 409.401, 409.402, 409.403, 409.404, 409.405, 409.406, 409.407, 409.408, 409.409, 409.410, 409.411, 409.412, 409.413, 409.414, 409.415, 409.416, 409.418, 409.420, and 409.421, RSMo, and to enact in lieu thereof fifty-three new sections relating to securities regulation, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HB 380** be adopted.

Senator Bartle offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 380, Page 9, Section 409.1-102, Line 299, by striking the word "Includes" and inserting in lieu thereof the following: "**May include**".

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **SCS** for **HCS** for **HB 380**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HCS** for **HB 380**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Days--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Steelman moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 14**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 16**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 4**, begs

leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 15**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

On motion of Senator Gibbons, the Senate recessed until 12:20 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 445**, with **SCS**, respectfully requests that it be removed from the Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 284**, with **SCS**, respectfully requests that it be removed from the Consent Calendar in accordance with the provisions of Senate Rule 45.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 695** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

A quorum was established by the following vote:

Present--Senators

Bartle	Caskey	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Russell	Shields	Steelman	Vogel
Wheeler	Yeckel--22		

Absent--Senators

Bland	Bray	Cauthorn	Coleman
Days	Dolan	Dougherty	Mathewson
Quick		Scott	Stoll--11

Absent with leave--Senator DePasco--1

Senator Goode offered **SS** for **SB 695**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 695

An Act to repeal sections 208.010, 208.015, 208.151, 208.152, 208.153, 208.154, 208.156, 208.162, 338.501, 338.515, 338.520, 338.525, 338.545, and 338.550, RSMo, and to enact in lieu thereof ten new sections relating to medical services and eligibility, with an emergency clause.

Senator Goode moved that **SS** for **SB 695** be adopted, which motion failed on a standing division vote.

SB 695 was again taken up.

At the request of Senator Goode, **SB 695** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which were referred **SS** for **SB 219**; **SB 39**; **SB 12**; **SCS** for **SB 620**; and **SB 184**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gross assumed the Chair.

THIRD READING OF SENATE BILLS

SB 184, introduced by Senators Bartle and Scott, entitled:

An Act to amend chapter 43, RSMo, by adding thereto one new section relating to registered sexual offender search on the Internet.

Was taken up by Senator Bartle.

On motion of Senator Bartle, **SB 184** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Bray	Days--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 39, introduced by Senator Cauthorn, et al, entitled:

An Act to repeal sections 190.300, 190.305, 190.310, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 195.211, 650.320, and 650.330, RSMo, and to enact in lieu thereof fourteen new sections relating to emergency services.

Was taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SB 39** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Days--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 620**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 620

An Act to repeal sections 99.845, 100.710, 100.840, 100.850, and 178.892, RSMo, and to enact in lieu thereof ten new sections relating to job retention programs in the department of economic development, with contingent expiration dates and an emergency clause.

Was taken up by Senator Loudon.

On motion of Senator Loudon, **SCS** for **SB 620** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None
Absent--Senator Days--1
Absent with leave--Senator DePasco--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Days--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SB 219**, introduced by Senator Steelman, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 219

An Act to repeal sections 42.175 and 313.835, RSMo, and to enact in lieu thereof six new sections relating to medallions for service in the armed forces, with an emergency clause.

Was taken up.

On motion of Senator Steelman, **SS** for **SB 219** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Days--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Days	Dougherty	Klindt--3	
Absent with leave--Senator DePasco--1			

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 12, introduced by Senators Kinder and Scott, entitled:

An Act to amend chapter 1, RSMo, by adding thereto two new sections relating to prohibition of interference with the free exercise of religion.

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SB 12** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Days--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 234**, entitled:

An Act to repeal section 64.342, RSMo, and to enact in lieu thereof one new section relating to county facilities, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Quick moved that **SB 234**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 234**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 234

An Act to repeal section 64.342, RSMo, and to enact in lieu thereof one new section relating to county facilities, with an emergency clause.

Was taken up.

Senator Quick moved that **HCS** for **SB 234** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Days	Loudon--2		
Absent with leave--Senator DePasco--1			

On motion of Senator Quick, **HCS** for **SB 234** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross

Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Days	Russell--2		
	Absent with leave--Senators DePasco--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Days	Russell--2		
	Absent with leave--Senators DePasco--1		

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HB 267**--Pensions and General Laws.

HS for **HB 470**--Judiciary and Civil and Criminal Jurisprudence.

REFERRALS

President Pro Tem Kinder referred **SCR 11** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 679** and **396**, entitled:

An Act to repeal sections 207.050, 207.060, 208.047, 208.152, 208.204, 210.025, 210.109, 210.110, 210.145, 210.152, 210.160, 210.183, 210.518, 210.565, 210.903, 210.909, 210.937, 211.032, 211.059, 211.171, 211.181, 211.321, 453.110, 475.024, 491.075, 492.304, and 630.210, RSMo, and to enact in lieu thereof forty new sections relating to the state foster care system, the Dominic James Memorial Foster Care Reform Act of 2003, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SBs 194** and **189**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 142**, entitled:

An Act to repeal section 386.020, RSMo, and to enact in lieu thereof two new sections relating to high-speed Internet access.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 435**, entitled:

An Act to repeal section 304.035, RSMo, and to enact in lieu thereof one new section relating to required stops at railroad grade crossings, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 564**, entitled:

An Act to repeal sections 209.309, 209.321, 209.322, 324.200, 324.203, 324.205, 324.210, 324.215, 209.323, 324.077, 324.409, 327.401, 327.411, 328.080, 329.050, 329.070, 332.071, 332.171, 332.181, 332.261, 332.321, 332.327, 332.341, 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665, 334.670, 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 337.030, 337.600, 337.633, 339.010, 339.020, 339.030, 339.040, 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.600, 339.603, 339.605, 339.606, 339.607, 339.608, 339.610, 339.612, 339.614, 339.617, 339.710, 339.760, 339.780, 339.800, 436.200, 436.205, 436.209, 436.212, and 621.045, RSMo, and to enact in lieu thereof one hundred five new sections relating to professional registration, with penalty provisions, an effective date for certain sections and an emergency clause for

certain sections.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended for **HCS** for **HB 221** and has taken up and passed **SCS** for **HCS** for **HB 221**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 296**, entitled:

An Act to repeal sections 161.092, 168.021, and 168.071, RSMo, and to enact in lieu thereof three new sections relating to educational standards with House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 296, Section 168.021, Page 7, Line 1 of said page, by deleting the word "**their**" and inserting in lieu thereof the following: "**his or her**"; and

Further amend said bill, section 168.021, page 9, line 11 of said page, by deleting the word "**must**" and inserting in lieu thereof the following: "**shall**"; and

Further amend said bill, section 168.021, page 9, line 16 of said page, by deleting the word "**must**" and inserting in lieu thereof the following: "**shall**"; and

Further amend said bill, section 168.021, page 9, line 20 of said page, by deleting the word "**must**" and inserting in lieu thereof the following: "**shall**"; and

Further amend said title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 4**, entitled:

An Act to amend chapters 41 and 301, RSMo, by adding thereto two new sections relating to antiterroism.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 4, Page 1, Section 41.033, Line 6, by deleting all of said line and inserting in lieu thereof the following: "**301.3123, RSMo, private donations and grants, or any**"; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 255**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 14**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 50**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 68**, entitled:

An Act to repeal sections 190.100 and 321.552, RSMo, and to enact in lieu thereof two new sections relating to sales tax for ambulance and fire protection districts.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 130**, entitled:

An Act to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 218**, entitled:

An Act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed by municipalities to repair lateral sewer service lines.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 233**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 235**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 239**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 266**, entitled:

An Act to amend chapter 633, RSMo, by adding thereto two new sections relating to services for persons with developmental disabilities.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 371**.

Bill ordered enrolled.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 627, regarding Adam LaMore, St. Louis, which was adopted.

Senator Cauthorn offered Senate Resolution No. 628, regarding the Class 1 State Champion Adair County R-II High School Girls Basketball Team, Brashear, which was adopted.

Senator Vogel offered Senate Resolution No. 629, regarding Brian Alexander McCoskrie, Fulton, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, Miss Harrington, Mrs. Toliver, Mrs. Garrison, and fourth grade students from Skyline Elementary School, Sedalia.

Senator Scott introduced to the Senate, Elizabeth Emory, Lamar.

Senator Foster introduced to the Senate, the Physician of the Day, Dr. Gene H. Leroux, M.D., Doniphan.

Senator Mathewson introduced to the Senate, Sherry Gregory, Brenda Newland, Laura Tally, Ron and Stephanie Finnell, and students from Skyline Elementary School, Sedalia.

Senator Childers introduced to the Senate, Jo Clark, Connie Nichols, Micah Marshall, Joseph Clark, Steven Marshall, and Matthew McCully, Home Schoolers from McDonald County; and Steven and Matthew were made honorary pages.

Senator Gross introduced to the Senate, Mary Lampe and her children, Phil, Joe, and John; Debbie Aubuchon, and her son, Brian; Mark and Julie Eckstein, and their children, Colin, Marcus, and Jillian; and Jeremy Stinson, St. Charles; and Phil, Joe, John, Brian, Colin, Marcus, Jillian, and Jeremy were made honorary pages.

Senator Cauthorn introduced to the Senate, Matt Caldwell and eighth grade students from Brashear High School, Brashear.

Senator Cauthorn introduced to the Senate, Coach Sara Parish and the Brashear High School Girls 1A State Basketball Champions.

Senator Cauthorn introduced to the Senate, Audrey Gough, and her daughter, Arielle; and Dee Dee Kirby, and her daughter, Caroline, Shelbina;

and Arielle and Caroline were made honorary pages.

Senator Yeckel introduced to the Senate, Lora Montgomery and twenty fourth grade students from Washington Lutheran School, St. Louis.

Senator Nodler introduced to the Senate, representatives of Joplin Area Chamber of Commerce Leadership Joplin.

Senator Cauthorn introduced to the Senate, Kathryn and Michael Miller, Galesburg, Illinois.

Senator Gibbons introduced to the Senate, fifty fourth grade students and adults from Tillman Elementary School, Kirkwood; and Ashley Lomax, Shirley Henley, Manu Jones, and Bobby Fleet were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m. Monday, April 21, 2003.

SENATE CALENDAR

FIFTY-SIXTH DAY-MONDAY, APRIL 21, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 679 &

396-Hanaway

HCS for HB 142

HCS for HB 435

HS for HCS for HB 564-Behnen

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361, 103,

156 & 329-Steelman

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 27-Gibbons, with SCS

2. SB 209-Steelman, et al, with

SCS

3. SB 685-Gibbons, et al, with

SCS

4. SB 455-Dougherty and Shields

5. SBs 343, 89, 134, 171, 240,

261, 331, 368, 369, 419, 484

& 581-Dolan, with SCS

6. SB 446-Bartle, with SCS
7. SB 242-Yeckel, with SCA 1
8. SBs 415, 88, 200, 223, 413,
523, 589 & 626-Yeckel, with
SCS
9. SB 564-Gross
10. SB 236-DePasco and Loudon
11. SB 458-Childers
12. SBs 312, 49, 111, 113, 191,
206, 263, 404, 409, 418, 538,
550 & 584-Dolan, et al, with
SCS
13. SB 485-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 289, with SCS
(Steelman)
(In Fiscal Oversight)

HS for HCS for HBs 349, 120,
136 & 328-Crawford (Caskey)

HCS for HB 600, with SCS
(Shields)
(In Fiscal Oversight)

HS for HB 511-Deeken, with

SCS (Yeckel)

HB 444-Jackson, with SCS

HB 208-Engler, et al, with SCS

(Kinder)

HB 286-Bearden, with SCS

HCS for HB 144, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 217-Champion and

Clemens, with SS (pending)

SB 241-Yeckel, with SCS

SBs 248, 100, 118, 233, 247,

341 & 420-Gross, et al, with

SCS & SS for SCS (pending)

SB 253-Steelman, et al, with

SCS, SS for SCS & SA 1

(pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with

SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9- Dolan,

with SCS & SS for SCS

(pending)

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS,

SS for SCS & SA 2 (pending)

SB 450-Mathewson, et al,

with SCS, SS for SCS &

SA 2 (pending)

SB 460-Loudon, with SS &

SA 1 (pending)

SB 476-Jacob

SB 693-Klindt, et al, with SCS

SB 695-Goode and Russell

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HCS for HBs 122 & 80 (Bland)

HS for HCS for HB 321-

Wilson (130) (Loudon)

HCS for HB 390, with SCS

(Cauthorn)

HB 412-Goodman, et al (Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and Parker (Dolan)

HB 292-Wagner (Stoll)

HB 358-Boykins (Coleman)

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al,

with SCS (Childers)

HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer (Bartle)

Reported 4/14

HCS for HB 93 (Childers)

HCS for HB 97 (Stoll)

HB 199-Jolly, et al (Wheeler)

HB 244-Baker, et al (Caskey)

HB 307-Merideth and

Shoemaker (Foster)

HCS for HB 318 (Caskey)

HB 326-Wagner, et al (Stoll)

HB 351-Quinn, et al (Klindt)

HB 375-Cooper (120) (Scott)

HB 463-King, et al (Caskey)

HCS for HB 472 (Bartle)

HB 552-Kingery, with SCS

(Foster)

HB 574-Jackson and Selby

(Griesheimer)

HB 594-Emery, et al (Nodler)

HB 512-Cooper (120), et al,

with SCS (Bartle)

HB 464-King, et al (Klindt)

HB 477-Moore, et al (Shields)

HB 440-Portwood (Steelman)

HB 376-Cooper (120) (Caskey)

HCS for HB 332 (Steelman)

HCS for HB 202 (Steelman)

HCS for HBs 59 & 269,

with SCS (Shields)

HB 597-Schlottach, et al (Dolan)

HCS for HB 245 (Clemens)

HB 162-Shoemaker (Cauthorn)

HB 261-Whorton, et al (Klindt)

HB 249-Seigfreid (Mathewson)

HB 247-Ward, et al (Kennedy)

HCS for HB 392, with SCS

(Griesheimer)

HB 505-Byrd and Villa, with

SCS (Mathewson)

HB 57-Riback Wilson, with

SCS (Jacob)

HB 60-Sutherland, with SCS

(Griesheimer)

HB 465-Hanaway, et al (Kinder)

Reported 4/15

HB 388-Riback Wilson, et al

(Jacob)

HCS for HB 253 (Mathewson)

HCS for HB 394, with SCA 1

(Caskey)

HCS for HB 427, with SCS (Bartle)

HB 430-Stevenson, et al (Caskey)

HB 599-Burnett, et al (Wheeler)

HCS for HB 613, with SCS

(Bartle)

HCS for HBs 152 & 180, with

SCS (Bartle)

HCS for HBs 348 & 347

(Griesheimer)

HCS for HB 131 (Griesheimer)

HB 254-Byrd (Klindt)

HB 553-Smith (14) (Gross)

HB 523-Dusenberg, et al

(Vogel)

HCS for HB 575, with SCS

(Foster)

HB 75-Ruestman, et al (Childers)

HB 187-Cooper (120) and

Davis (122) (Dolan)

HCS for HB 371, with SCS (Dolan)

HB 478-Moore, et al (Yeckel)

HCS for HB 493 (Dolan)

HB 491-Rupp, et al, with SCS

(Dolan)

HCS for HB 356 (Scott)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 4-Caskey and Russell,

with HCA 1

SB 68-Childers, with HCS

SCS for SB 130-Gross and Dolan,

with HCS

SCS for SB 218-Goode, et al, with HCS

SB 266-Shields and Kennedy,

with HCS

SCS for SB 296-Griesheimer,

with HS for HCS, as amended

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

SCR 19-Bland

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1 (pending)

SCR 3-Loudon

SCR 11-Steelman

(In Fiscal Oversight)

SCR 14-Dolan and Kinder

SCR 16-Goode, et al

SCR 4-Jacob

HCR 15-Behnen

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SIXTH DAY--MONDAY, APRIL 21, 2003

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Russell, Chairman of the Committee on Appropriations, Senator Vogel submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Vogel, the Senate adjourned until 12:00 noon, Tuesday, April 22, 2003.

SENATE CALENDAR

FIFTY-SEVENTH DAY-TUESDAY, APRIL 22, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 679 &

396-Hanaway

HCS for HB 142

HCS for HB 435

HS for HCS for HB 564-Behnen

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 27-Gibbons, with SCS
2. SB 209-Steelman, et al, with SCS
3. SB 685-Gibbons, et al, with SCS
4. SB 455-Dougherty and Shields
5. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS
6. SB 446-Bartle, with SCS
7. SB 242-Yeckel, with SCA 1

8. SBs 415, 88, 200, 223, 413,
523, 589 & 626-Yeckel, with SCS
9. SB 564-Gross
10. SB 236-DePasco and Loudon
11. SB 458-Childers
12. SBs 312, 49, 111, 113, 191,
206, 263, 404, 409, 418, 538,
550 & 584-Dolan, et al, with SCS
13. SB 485-Shields, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 289, with SCS
(Steelman)
(In Fiscal Oversight)
2. HS for HCS for HBs 349, 120,
136 & 328-Crawford (Caskey)
3. HCS for HB 600, with SCS
(Shields)
(In Fiscal Oversight)
4. HS for HB 511-Deeken, with
SCS (Yeckel)
5. HB 444-Jackson, with SCS
6. HB 208-Engler, et al, with SCS
(Kinder)
7. HB 286-Bearden, with SCS
8. HCS for HB 144, with SCS

9. HS for HB 1-Bearden, with
SCS (Russell)
10. HS for HB 2-Bearden, with
SCS (Russell)
11. HS for HB 3-Bearden, with
SCS (Russell)
12. HS for HB 4-Bearden, with
SCS (Russell)
13. HS for HB 5-Bearden, with
SCS (Russell)
14. HS for HB 6-Bearden, with
SCS (Russell)
15. HS for HB 7-Bearden, with
SCS (Russell)
16. HS for HB 8-Bearden, with
SCS (Russell)
17. HS for HB 9-Bearden, with
SCS (Russell)
18. HS for HB 10-Bearden, with
SCS (Russell)
19. HS for HB 11-Bearden, with
SCS (Russell)
20. HS for HB 12-Bearden, with
SCS (Russell)
21. HCS for HB 13, with SCS
(Russell)

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS
SBs 125 & 290-Goode, with
SCS & SA 6 (pending)

SB 217-Champion and Clemens,
with SS (pending)

SB 241-Yeckel, with SCS
SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with
SCS & SS for SCS (pending)
SB 253-Steelman, et al, with SCS,
SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with
SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,

with SCS & SS for SCS (pending)

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS, SS for

SCS & SA 2 (pending)

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2 (pending)

SB 460-Loudon, with SS & SA 1

(pending)

SB 476-Jacob

SB 693-Klindt, et al, with SCS

SB 695-Goode and Russell

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HCS for HBs 122 & 80 (Bland)

HS for HCS for HB 321-

Wilson (130) (Loudon)

HCS for HB 390, with SCS

(Cauthorn)

HB 412-Goodman, et al

(Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and

Parker (Dolan)

HB 292-Wagner (Stoll)

HB 358-Boykins (Coleman)

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al,

with SCS (Childers)

HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer (Bartle)

Reported 4/14

HCS for HB 93 (Childers)

HCS for HB 97 (Stoll)

HB 199-Jolly, et al (Wheeler)

HB 244-Baker, et al (Caskey)

HB 307-Merideth and

Shoemaker (Foster)

HCS for HB 318 (Caskey)

HB 326-Wagner, et al (Stoll)

HB 351-Quinn, et al (Klindt)

HB 375-Cooper (120) (Scott)

HB 463-King, et al (Caskey)

HCS for HB 472 (Bartle)

HB 552-Kingery, with SCS

(Foster)

HB 574-Jackson and Selby

(Griesheimer)

HB 594-Emery, et al (Nodler)

HB 512-Cooper (120), et al,

with SCS (Bartle)

HB 464-King, et al (Klindt)

HB 477-Moore, et al (Shields)

HB 440-Portwood (Steelman)

HB 376-Cooper (120) (Caskey)

HCS for HB 332 (Steelman)

HCS for HB 202 (Steelman)

HCS for HBs 59 & 269,

with SCS (Shields)

HB 597-Schlottach, et al (Dolan)

HCS for HB 245 (Clemens)

HB 162-Shoemaker (Cauthorn)

HB 261-Whorton, et al (Klindt)

HB 249-Seigfreid (Mathewson)

HB 247-Ward, et al (Kennedy)

HCS for HB 392, with SCS

(Griesheimer)

HB 505-Byrd and Villa, with

SCS (Mathewson)

HB 57-Riback Wilson, with

SCS (Jacob)

HB 60-Sutherland, with SCS

(Griesheimer)

HB 465-Hanaway, et al (Kinder)

Reported 4/15

HB 388-Riback Wilson, et al

(Jacob)

HCS for HB 253 (Mathewson)

HCS for HB 394, with SCA 1

(Caskey)

HCS for HB 427, with SCS

(Bartle)

HB 430-Stevenson, et al

(Caskey)

HB 599-Burnett, et al (Wheeler)

HCS for HB 613, with SCS

(Bartle)

HCS for HBs 152 & 180,

with SCS (Bartle)

HCS for HBs 348 & 347

(Griesheimer)

HCS for HB 131 (Griesheimer)

HB 254-Byrd (Klindt)

HB 553-Smith (14) (Gross)

HB 523-Dusenberger, et al

(Vogel)

HCS for HB 575, with SCS

(Foster)

HB 75-Ruestman, et al (Childers)

HB 187-Cooper (120) and

Davis (122) (Dolan)

HCS for HB 371, with SCS (Dolan)

HB 478-Moore, et al (Yeckel)

HCS for HB 493 (Dolan)

HB 491-Rupp, et al, with

SCS (Dolan)

HCS for HB 356 (Scott)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 4-Caskey and

Russell, with HCA 1

SB 68-Childers, with HCS

SCS for SB 130-Gross and

Dolan, with HCS

SCS for SB 218-Goode, et al,

with HCS

SB 266-Shields and Kennedy,

with HCS

SCS for SB 296-Griesheimer,

with HS for HCS, as amended

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

SCR 19-Bland

Reported from Committee

SR 30-Shields, with SCS,

SS for SCS & SA 1 (pending)

SCR 3-Loudon

SCR 11-Steelman

(In Fiscal Oversight)

SCR 14-Dolan and Kinder

SCR 16-Goode, et al

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SEVENTH DAY--TUESDAY, APRIL 22, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord Almighty is the one you are to regard as holy, he is the one you are to dread." (Isaiah 8:13)

Almighty God, we are thankful for opportunities of new life You have given us and are grateful to be instruments of Your will, which humbles us before You. Our trust is in You, relying on Your directing to complete the work that is ahead of us. We, also, pray for Senator Dougherty's wife asking that wisdom and guidance may be given to the doctors who treat her and Your healing touch to bring her health and make her whole, once again. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Gibbons moved that the Journal for Thursday, April 17, 2003, be corrected on Page 874, Column 1, Line 23, by deleting "**SCR 15**" and inserting in lieu thereof "**HCR 15**"; and on Page 881, Column 1, Line 20, by deleting "**SB 233**" and inserting in lieu thereof "**SB 232**", which motion prevailed.

The Journals for Thursday, April 17, 2003, as corrected, and Monday, April 21, 2003, were read and approved.

Photographers from KOMU-TV, KMIZ-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 630, regarding Mary Corderman, Madison, which was adopted.

Senator Yeckel offered Senate Resolution No. 631, regarding Elizabeth Bax, Wright City, which was adopted.

Senator Yeckel offered Senate Resolution No. 632, regarding Heather Schlote, Troy, which was adopted.

Senator Yeckel offered Senate Resolution No. 633, regarding Julie Berg, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 634, regarding Laura Crinnion, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 635, regarding Margie Borges, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 636, regarding Laura Riley, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 637, regarding Alecia Behrens, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 638, regarding Kristina Rost, Arnold, which was adopted.

Senator Yeckel offered Senate Resolution No. 639, regarding Amanda Fenner, St. Peters, which was adopted.

Senator Yeckel offered Senate Resolution No. 640, regarding Felicia C. Wilson, Warrenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 641, regarding Jessica Stillwell, Warrenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 642, regarding Heather Junkin, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 643, regarding Michelle Marie Lyons, Bridgeton, which was adopted.

Senator Yeckel offered Senate Resolution No. 644, regarding Deborah S. Raithel, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 645, regarding Kelsey Menke, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 646, regarding Melanie Alise Perry, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 647, regarding Lauren Mikko, House Springs, which was adopted.

Senator Yeckel offered Senate Resolution No. 648, regarding Erin Blaha, Arnold, which was adopted.

Senator Yeckel offered Senate Resolution No. 649, regarding Joseph Reuben Nothum, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 650, regarding Andrea Gulley, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 651, regarding Casey Conklin, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 652, regarding Katie Clarkin, Hazelwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 653, regarding Ashlee Corinne Butler, Warrenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 654, regarding Julia Schicker, Imperial, which was adopted.

Senator Yeckel offered Senate Resolution No. 655, regarding Jennifer Hanlon, O'Fallon, which was adopted.

Senator Yeckel offered Senate Resolution No. 656, regarding Kimberly Wallis, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 657, regarding Kristine Kamper, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 658, regarding Jennifer Kuhn, Hazelwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 659, regarding Julia Mager, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 660, regarding Katie Lillard, O'Fallon, which was adopted.

Senator Yeckel offered Senate Resolution No. 661, regarding Amy Marshall, St. Ann, which was adopted.

Senator Yeckel offered Senate Resolution No. 662, regarding Arie Alise July Bennett, Black Jack, which was adopted.

Senator Yeckel offered Senate Resolution No. 663, regarding Lindsey Chrismer, O'Fallon, which was adopted.

Senator Yeckel offered Senate Resolution No. 664, regarding Ashley Drackert, St. Peters, which was adopted.

Senator Yeckel offered Senate Resolution No. 665, regarding Kayla Martin, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 666, regarding Jennifer Shelley, O'Fallon, which was adopted.

Senator Yeckel offered Senate Resolution No. 667, regarding Brittany S. Fore, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 668, regarding Rebekah Bath, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 669, regarding Alison Jansen, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 670, regarding Lindsey Ann Howell, St. Peters, which was adopted.

Senator Yeckel offered Senate Resolution No. 671, regarding Megan Flaherty, Wildwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 672, regarding Stephanie Shrum, St. Peters, which was adopted.

Senator Yeckel offered Senate Resolution No. 673, regarding Heather M. Aurich, Park Hills, which was adopted.

Senator Yeckel offered Senate Resolution No. 674, regarding Krystal A. Schroeder, Maryland Heights, which was adopted.

Senator Yeckel offered Senate Resolution No. 675, regarding Patricia Riehl, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 676, regarding Laurie Hurtt, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 677, regarding Danielle Shipley, Fenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 678, regarding Amy Steen, Overland, which was adopted.

Senator Caskey offered Senate Resolution No. 679, regarding Yeoman First Class Deborah Olivia Kelley, Belton, which was adopted.

Senator Steelman offered Senate Resolution No. 680, regarding Corrections Officer I Lawrence Lewis, Sr., Owensville, which was adopted.

Senator Steelman offered Senate Resolution No. 681, regarding Jason Hobick, which was adopted.

Senator Steelman offered Senate Resolution No. 682, regarding Corrections Officer I Lawrence Lewis, Jr., Rosebud, which was adopted.

Senator Bray offered Senate Resolution No. 683, regarding Allison E. Bruns, which was adopted.

Senator Vogel offered Senate Resolution No. 684, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert F. Davis, Holts Summit, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HBs 679** and **396**--Pensions and General Laws.

HCS for **HB 142**--Commerce and the Environment.

HCS for **HB 435**--Transportation.

HS for **HCS** for **HB 564**--Financial and Governmental Organization, Veterans' Affairs and Elections.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 14**; **SB 50**; **SCS** for **SBs 194** and **189**; **SB 232**; **HCS** for **SB 234**; **SB 235**; **SCS** for **SB 239**; **SB 255**; and **SB 371**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gregory S. Ballentine, 2135 Lightburne Street, Liberty, Clay County, Missouri 64068, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2004, and until his successor is duly appointed and qualified; vice, Laura Estabrooks, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cynthia O. Blosser, Republican, 1711 Engelwood Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2008, and until her successor is duly appointed and qualified; vice, Jeanie Moore, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sandra T. Bollinger, 112 East Tywappity, Post Office Box 63, Benton, Scott County, Missouri 63736, as a member of the Drug Utilization Review Board, for a term ending October 15, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Brian H. Collins, 5526 Crestwood Drive, Kansas City, Jackson County, Missouri 64110, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2006, and until his successor is duly appointed and qualified; vice, Nancy Tobin, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dennis G. Cowan, 11609 Pennsylvania, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2005, and until his successor is duly appointed and qualified; vice, Doug Mitchell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gretchen G. Davis, Republican, 25 Chesterfield Lakes Road, Chesterfield, St. Louis County, Missouri 63005, as a member of the Missouri Community Service Commission, for a term ending December 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elson S. Floyd, 1900 South Providence Road, Columbia, Boone County, Missouri 65203, as a member of the Midwestern Higher Education Commission, for a term ending January 15, 2005, and until his successor is duly appointed and qualified; vice, Manuel Pacheco, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jack E. Gant, Democrat, 1622 North Charlton, Independence, Jackson County, Missouri 64056, as a member of the Missouri Gaming Commission, for a term ending April 29, 2005, and until his successor is duly appointed and qualified; vice, Muriel Battle, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda W. Hancik, 75 West Calvin Drive, Hartsburg, Boone County, Missouri 65039, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John C. Lucio, D.O., Republican, 714 Harvest Drive, Jefferson City, Cole County, Missouri 65109, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2006, and until his successor is duly appointed and qualified; vice, Deborah Depew, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Randall B. Miltenberger, 1414 West Adams Avenue, Kirkwood, St. Louis County, Missouri 63122, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending October 3, 2005, and until his successor is duly appointed and qualified; vice, Stuart Scroggs, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Douglas D. Morgan, 312 Woodsmill Terrace Lane, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri State Public Employees Deferred Compensation Commission, for a term ending November 20, 2005, and until his successor is duly appointed and qualified; vice, Gerald Greiman, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Theodore A. Pruess, 1427 Missouri, St. Louis City, Missouri 63104, as a member of the Seismic Safety Commission, for a term ending August 11, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sherri A. Robins, Democrat, 6228 Lake Paddock Drive, Florissant, St. Louis County, Missouri 63033-4723, as a member of the State Lottery Commission, for a term ending September 7, 2003, and until her successor is duly appointed and qualified; vice, Robert Mayfield, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David K. Tan, 105 Lamplighter Way, O'Fallon, St. Charles County, Missouri 63366-7307, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, Michael Metzler, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark R. Tucker, Democrat, 561 Bonhomme Forest, Olivette, St. Louis County, Missouri 63132, as a public member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2006, and until his successor is duly appointed and qualified; vice, Sheilah Clarke-Ekong, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wilson James Winn, 8601 North Eastern Avenue, Kansas City, Clay County, Missouri 64157, as a member of the Elevator Safety Board, for a term ending June 6, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph M. Yasso, 3513 Northwest Primrose Lane, Lee's Summit, Jackson County, Missouri 64064, as a member of the Drug Utilization Review Board, for a term ending October 15, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jerald A. Pelker, 1513 Prospect Lakes, Wentzville, St. Charles County, Missouri 63385, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2004, and until his successor is duly appointed and qualified; vice, Alise Martiny-Byrd, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Julie A. Robinson, 1740 El Rio Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending August 18, 2003, and until her successor is duly appointed and qualified; vice, Charlotte Hill, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jack D. Rushin, 2830 Carrie Ann Circle, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Charles Klinginsmith, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John T. Wade, 2300 Oak Street, Higginsville, Lafayette County, Missouri 64037, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

HOUSE BILLS ON THIRD READING

HS for **HB 1**, with **SCS**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HS** for **HB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL NO. 1

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

President Maxwell assumed the Chair.

Senator Russell moved that **SCS** for **HS** for **HB 1** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 1** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Champion	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Cauthorn	Wheeler--2		
	Absent with leave--Senators		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HB 2**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HS** for **HB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HB 2** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 2, Section 2.015, Line 4, by deleting the figure "\$1,656,625,892" and inserting in lieu thereof "\$1,749,759,017"; and

Further amend said bill, Page 2, Section 2.015, Line 5, by deleting the figure "344,741,446" and inserting in lieu thereof "\$351,608,321"; and

Further amend said bill, Page 2, Section 2.015, Line 12, by deleting the figure "\$2,029,959,803" and inserting in lieu thereof "\$2,129,959,803"; and

Further amend said bill, Pages 2-3, Section 2.015, Lines 14-24, by deleting all of said lines; and

Further amend said bill, Page 16, Section 2.305, Line 5, by deleting the figure "\$1,746,593,075" and inserting in lieu thereof "\$1,846,593,075"; and

Further amend said bill, Page 16, Section 2.305, Lines 6-11, by deleting all of said lines.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Days, Quick and Stoll.

Senator Stoll offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 2, Section 2.015, Line 4, by deleting the figure "\$1,656,625,892" and inserting in lieu thereof "\$1,849,759,017"; and

Further amend said bill, Page 2, Section 2.015, Line 5, by deleting the figure "\$344,741,446" and inserting in lieu thereof "\$351,608,321"; and

Further amend said bill, Page 2, Section 2.015, Line 12, by deleting the figure "\$2,029,959,803" and inserting in lieu thereof "\$2,229,959,803"; and

Further amend said bill, Pages 2-3, Section 2.015, Lines 14-24, by deleting all of said lines; and

Further amend said bill, Page 3, Section 2.015, Line 35, by deleting the figure "\$2,560,694,938" and inserting in lieu thereof "\$2,660,694,938"; and

Further amend said bill, Page 16, Section 2.305, Line 5, by deleting the figure "\$1,746,593,075" and inserting in lieu thereof "\$1,946,593,075"; and

Further amend said bill, Page 16, Section 2.305, Lines 6-11, by deleting all of said lines.

Senator Stoll moved that the above substitute amendment be adopted.

Senator Caskey offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Bill No. 2, Section 2.015, Line 1, by deleting the figure "\$1,849,759,017" and inserting in lieu thereof "\$1,817,560,541"; and

Further amend said substitute amendment, Line 3, by deleting the figure "351,608,321" and inserting in lieu thereof "\$358,331,180"; and

Further amend said substitute amendment by inserting after line 3 the following:

"and further amend said bill, Page 2, Section 2.015, Line 5, by deleting the figure "\$137,757,556" and inserting in lieu thereof "\$162,067,713"; and

Further amend said bill, Page 2, Section 2.015, Line 6, by deleting the figure "\$9,432,386" and inserting in lieu thereof "\$11,096,928"; and

Further amend said bill, Page 2, Section 2.015, Line 8, by deleting the figure "\$21,139,588" and inserting in lieu thereof "\$24,870,104"; and

Further amend said bill, Page 2, Section 2.015, Line 8, by deleting the figure "\$32,358,698" and inserting in lieu thereof "\$38,069,056"; and

Further amend said bill, Page 2, Section 2.015, Line 9, by deleting the figure "\$52,080,428" and inserting in lieu thereof "\$52,880,428"; and

Further amend said bill, Page 2, Section 2.015, Line 10, by deleting the figure "\$26,906,036" and inserting in lieu thereof "\$30,304,651"; and

Further amend said substitute amendment, Line 5, by deleting the figure "\$2,229,959,803" and inserting in lieu thereof "2,244,098,371"; and

Further amend said substitute amendment, Line 8, by deleting the figure "\$2,660,694,938" and inserting in lieu thereof "\$2,774,833,506"; and

Further amend said substitute amendment, Line 10, by deleting the figure "\$1,946,593,075" and inserting in lieu thereof "\$1,960,731,643".

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Jacob and Stoll.

SA 1 to SSA 1 for **SA 1** failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
NAYS--Senators			
Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
Absent--Senators--None			
Absent with leave--Senators			
Childers	DePasco--2		

SSA 1 for **SA 1** was again taken up.

Senator Stoll moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Caskey, Days and Coleman.

SSA 1 for **SA 1** failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
NAYS--Senators			
Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott

Shields	Steelman	Vogel	Yeckel--20
	Absent--Senators--None		
	Absent with leave--Senators		
Childers	DePasco--2		

SA 1 was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion failed by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
	NAYS--Senators		
Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
	Absent--Senators--None		
	Absent with leave--Senators		
Childers	DePasco--2		

Senator Caskey offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 2, Section 2.015, Lines 2-10, by deleting all of said lines and inserting in lieu thereof the following: "For distributions to the free public schools under the Equity Formula and Line 14 At-Risk Program".

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, SA 2 was withdrawn.

Senator Coleman offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 9, Section 2.130, Line 6, by deleting the figure "\$200,000" and inserting in lieu thereof "\$2,200,000"; and

Further amend said bill, Page 9, Section 2.130, Line 8, by deleting the figure "\$5,122,368" and inserting in lieu thereof "\$7,122,368".

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Days, Kennedy, Stoll and Wheeler.

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy

Mathewson	Quick	Stoll	Wheeler--12
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

Senator Kennedy offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 6, Section 2.065, Line 8, by inserting immediately before said line the following:

"From General Revenue Fund \$8,833,381";

And further amend said bill, Page 6, Section 2.065, Line 8, by inserting immediately after said line the following:

"Total \$20,995,747".

Senator Kennedy moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Jacob, Stoll and Wheeler.

SA 4 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

At the request of Senator Russell, **HS** for **HB 2**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SBs 299** and **40**, entitled:

An Act to repeal sections 33.210, 33.250, 33.270, 33.800, 33.803, 33.805, 33.807, and 33.810, RSMo, and to enact in

lieu thereof twenty-four new sections relating to performance-based budgeting.

With House Amendment No. 1 to Part 2 and House Amendment No. 3 to Part 2.

HOUSE AMENDMENT NO. 1 TO PART 2

Amend Part II to House Substitute for Senate Committee Substitute for Senate Bill Nos. 299 and 40, Page 13, Section 33.250, Lines 20 to 22, by deleting all of said lines and inserting in lieu thereof the following: "the general assembly. **In any fiscal year, the governor's budget submission shall not propose expenditures nor shall the general assembly appropriate, net of refunds, in excess of the revenue estimate pursuant to**"; and

Further amend said bill, Page 14, Section 33.250, Lines 3 to 9, by deleting all of said lines and inserting in lieu thereof the following:

"(1) The net general revenue estimate as determined pursuant to section 33.240; or

(2) The amount actually spent for the most recently completed fiscal year exclusive of expenditures for refunds, modified as follows:

(a) Increased or decreased by the percentage change in the general price level from July to July of the two most recently completed fiscal years as measured by the consumer price index for"; and

Further amend said bill, Page 14, Section 33.250, Lines 14 to 17, by deleting all of said lines and inserting in lieu thereof the following: **"population of the state from July to July of the two most recently completed fiscal years as"**; and

Further amend said bill, Page 14, Section 33.250, Line 20, by deleting **"output"** and inserting in lieu thereof the following: **"productivity"**; and

Further amend said bill, Page 14, Section 33.250, Lines 22 and 23, by deleting all of said lines and inserting in lieu thereof the following: **"agency from July to July of the two most recently completed fiscal years, the revenue estimate shall be decreased by the"**; and

Further amend said bill, Page 15, Section 33.250, Line 2, by inserting after **"voters"** the following: **"or as provided for in article X, section 18(e) of the constitution of Missouri"**; and

Further amend said bill, Page 16, Section 33.544, Line 14, by inserting after **"seven"** the following: **"and one-half"**; and

Further amend said bill, Page 16, Section 33.544, Line 15, by inserting after **"year."** the following: **"If the balance in the excess revenue collection fund at the close of any fiscal year exceeds seven and one-half percent of the net general revenue collections for the previous fiscal year, the commissioner of administration shall transfer that excess amount to the general revenue fund. For purposes of this section, "net general revenue collections" shall mean all revenue deposited into the general revenue fund less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund."**; and

Further amend said bill, Page 17, Section 33.544, Line 2, by inserting after **"assembly."** the following: **"The commissioner of administration may, after May fifteenth of any fiscal year, transfer amounts from the excess revenue collection fund to the general revenue fund or any other state fund without other legislative action if he or she determines that such amounts are necessary for the cash requirements of the state. Such transfers shall be deemed cash operating transfers. The commissioner of administration shall transfer from the general revenue fund or other recipient fund to the excess collection fund an amount equal to the cash operating transfer received by such fund, together with the interest that would have been earned on such amount, prior to June thirtieth of the fiscal year in which the transfer was made."**; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO PART 2

Amend Part II to House Substitute for Senate Committee Substitute for Senate Bills Nos. 299 and 40, Page 16, Section 33.544, Lines 22 and 23 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"nonrecurring expenditures by a vote in the affirmative of a majority of the members of each chamber, whether all members are"; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 54**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 29**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 282**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 289**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 289, Page 1, Line 5, by inserting after all of said line the following:

"227.342. The portion of interstate highway 29 between mile marker 89 and mile marker 92, all located within a county of the third classification without a township form of government and with more than five thousand three hundred but less than five thousand four hundred inhabitants, shall be designated the 'William 'Bill' Lark Memorial Highway'"; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

REFERRALS

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on pages 897 through 901 to the Committee on Gubernatorial Appointments.

President Pro Tem Kinder referred **HS** for **HB 511**, with **SCS**; **HCS** for **HB 613**, with **SCS**; and **HB 491**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred **SCR 19** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Gibbons, the Senate recessed until 7:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Childers.

HOUSE BILLS ON THIRD READING

Senator Russell moved that **HS** for **HB 2**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HS** for **HB 2** was again taken up.

Senator Bray offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 2, Section 2.015, Line 18, by deleting said line and inserting in lieu thereof the following:

"From State School Moneys Fund . . . \$160,934,649";

and further amend said bill, Page 3, Section 2.015, Line 24, by deleting said line and inserting in lieu thereof the following:

"From State School Moneys Fund . . . \$13,589,734";

and further amend said bill, Page 3, Section 2.015, Line 25, by inserting immediately before said line the following:

"For the categorical programs, contingent upon the availability of additional new revenue for fiscal year 2004 as authorized in legislation in 2003 by the 92nd General Assembly and approved by the Governor and/or voters

From State School Moneys Fund . . . \$39,614,185";

and further amend said bill, Page 3, Section 2.015, Line 35, by deleting the figure "\$2,560,694,938" and inserting in lieu thereof "\$2,774,833,506";

and further amend said bill, Page 16, Section 2.305, Line 11, by deleting the figure "\$100,000,000" and inserting in lieu thereof "\$214,138,568".

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Days, Caskey and Wheeler.

SA 5 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Mathewson
Quick	Wheeler--10		
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
	Absent--Senators		
Dolan	Kennedy	Kinder	Stoll--4
	Absent with leave--Senator DePasco--1		

President Maxwell assumed the Chair.

Senator Bland offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 2, Section 2.015, Line 10, by deleting the number "\$26,906,036" and inserting in lieu thereof the number "\$27,906,036" and further amend said bill, Page 2, Section 2.015, Line 12, by deleting the number "2,029,959,803" and inserting in lieu thereof the number "2,030,959,803"; and further amend said bill, Page 16, Section 2.305, Line 5, by deleting the number "\$1,746,593,075" and inserting in lieu thereof the number "1,747,593,075".

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Coleman, Days, Mathewson and Wheeler.

SA 6 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Mathewson
Quick	Wheeler--10		
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel--19	
	Absent--Senators		
Dolan	Kennedy	Stoll	Yeckel--4
	Absent with leave--Senator DePasco--1		

Senator Jacob offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 12, Section 2.205, by deleting all of said section and inserting in lieu thereof the following:

Section 2.205. To the Department of Elementary and Secondary Education

For Independent Living Centers

From General Revenue Fund \$2,537,042

From Federal Funds 1,592,546

From Independent

Living Center Fund 210,000

Total \$4,339,588";

and amend bill totals accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 7** was withdrawn.

Senator Jacob offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 7, Section 2.090, by deleting all of said section and inserting in lieu thereof the following:

"Section 2.090. To the Department of Elemen-tary and Secondary Education

For the Missouri Scholars and Fine Arts Academies

From General Revenue Fund . . . \$631,319

From Lottery Proceeds Fund 158,156

Total \$789,475";

and amend bill totals accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Caskey, Dolan and Gibbons.

SA 8 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Quick	Stoll	Wheeler--11	
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
Absent--Senators			
Goode	Mathewson--2		

Senator Caskey offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 15, Section 2.280, by deleting all of said section and inserting in lieu thereof the following:

"Section 2.280. To the Department of Elementary and Secondary Education

For a task force on blind student academic and vocational performance

From General Revenue Fund \$ 95,000";

and amend bill totals accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 2, Section 2.015, Line 18, by deleting the words "General Revenue" and inserting in lieu thereof "State School Moneys"; and further amend said section, line 24, by deleting the words "General Revenue" and inserting in lieu thereof "State School Moneys".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HS** for **HB 2**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 2**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Quick	Stoll	Wheeler--11	
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

At the request of Senator Russell, **HS** for **HB 3**, with **SCS**, was placed on the Informal Calendar.

HS for **HB 4**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HS** for **HB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Bartle assumed the Chair.

Senator Russell moved that **SCS** for **HS** for **HB 4** be adopted.

Senator Russell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 4, Page 15, Section 4.325, Line 7, by deleting all of said line and inserting in lieu thereof the following,

"From State Transportation Fund 150,000";

and amend the section and bill totals accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 4, Page 1, Section 4.005, Line 3, by deleting the figure "\$35,055,418" and inserting in lieu thereof the figure "\$35,846,372"; and

Further amend said bill, Page 2, Section 4.005, Line 14, by deleting the figure "1,913.95" and inserting in lieu thereof the figure "1,934.95"; and

Further amend said bill, Page 2, Section 4.005, Line 14, by deleting the figure "\$89,202,579" and inserting in lieu

thereof the figure "89,993,533".

Senator Kennedy moved that the above amendment be adopted, which motion failed.

Senator Russell moved that **SCS** for **HS** for **HB 4**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 4**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Wheeler--9			
Absent--Senator Quick--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HB 5**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HS** for **HB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HB 5** be adopted.

Senator Russell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 5, Page 19, Section 5.445, Line 13-15, by deleting all of said lines 13-15 and inserting in lieu thereof the following:

"Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) flexibility is allowed between each appropriation".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HS** for **HB 5**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 5**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24

NAYS--Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Mathewson	Quick
Wheeler--9			

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HB 6**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HS** for **HB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HB 6** be adopted.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 6, Page 8, Section 6.100, Line 6, by deleting the number "1,174,562" and replacing it with "1,297,064"; and

Further amend Page 8, Line 13, by deleting the number "\$5,635,886" and replacing it with the number "\$5,758,388" and deleting "(Not to exceed 79.00 F.T.E.)" and replace it with "(Not to exceed 82.00 F.T.E.)".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HS** for **HB 6**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 6**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24

NAYS--Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Quick
Wheeler--9			

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HB 7**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HS** for **HB 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HB 7** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 7** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Wheeler--9			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HB 8**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for HS for HB 8, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that SCS for HS for HB 8 be adopted.

Senator Dougherty offered SA 1, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 8, Page 11, Section 8.165, Line 6, by deleting the number "1,715,512" and insert in lieu thereof the number "1,926,375" and adjust the totals accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that SCS for HS for HB 8, as amended, be adopted, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

On motion of Senator Russell, SCS for HS for HB 8, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Quick
Wheeler--9			
Absent--Senator Dolan-- 1			
Absent with leave--Senator DePasco-- 1			

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 14; SB 50; SCS for SBs 194 and 189; SB 232; HCS for SB 234; SB 235; SCS for SB 239; SB 255; and SB 371**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 685, regarding Christopher "Chris" Ferguson, which was adopted.

Senator Gross offered Senate Resolution No. 686, regarding Joe Fields, which was adopted.

Senator Gross offered Senate Resolution No. 687, regarding Captain Pat McCarrick, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 688, regarding Kelly Garrett, which was adopted.

Senator Gross offered Senate Resolution No. 689, regarding Jana Conoyer, which was adopted.

Senator Gross offered Senate Resolution No. 690, regarding Joan Sprague, which was adopted.

Senator Gross offered Senate Resolution No. 691, regarding Geri Hartman, which was adopted.

Senator Gross offered Senate Resolution No. 692, regarding Eric McMillan, which was adopted.

Senator Gross offered Senate Resolution No. 693, regarding Dale Hackmann, which was adopted.

Senator Gross offered Senate Resolution No. 694, regarding Brian L. Kozel, which was adopted.

Senator Gross offered Senate Resolution No. 695, regarding Debbie Palozola, which was adopted.

Senator Gross offered Senate Resolution No. 696, regarding Tana Palozola, which was adopted.

Senator Gross offered Senate Resolution No. 697, regarding William G. Taylor, which was adopted.

Senator Gross offered Senate Resolution No. 698, regarding Ann Chambers, which was adopted.

Senator Gross offered Senate Resolution No. 699, regarding the St. Charles Wal-Mart Store, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 700, regarding Mike Embrey, which was adopted.

Senator Gross offered Senate Resolution No. 701, regarding Jim MacKeen, which was adopted.

Senator Gross offered Senate Resolution No. 702, regarding John McBride, which was adopted.

Senator Gross offered Senate Resolution No. 703, regarding Jennifer L. George, which was adopted.

Senator Yeckel offered Senate Resolution No. 704, regarding Joseph R. Minner, which was adopted.

Senator Yeckel offered Senate Resolution No. 705, regarding Meghana S. Patel, which was adopted.

Senator Yeckel offered Senate Resolution No. 706, regarding Kristy Schmidt, St. Charles, which was adopted.

Senator Klindt offered Senate Resolution No. 707, regarding Jessica L. Walker, which was adopted.

Senators Griesheimer and Loudon offered Senate Resolution No. 708, regarding Debbie Albert, Eureka, which was adopted.

Senator Champion offered Senate Resolution No. 709, regarding the General Electric Motors Plant, Springfield, which was adopted.

Senator Stoll offered Senate Resolution No. 710, regarding Anthony A. Casey, Jr., Ph.D., Herculaneum, which was adopted.

Senator Stoll offered Senate Resolution No. 711, regarding Lisa D. Schroeder, which was adopted.

Senator Scott offered Senate Resolution No. 712, regarding Heidi M. Osner, which was adopted.

Senator Scott offered Senate Resolution No. 713, regarding Frank Morris, El Dorado Springs, which was adopted.

Senator Champion offered Senate Resolution No. 714, regarding Nicole R. Thomas, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Frank and Pat Rebholz; their daughter, Mary Salerno; and their grandchildren, Grace and Joseph Salerno; and Nicholas Rebholz, St. Louis; and Grace, Joseph, and Nicholas were made honorary pages.

Senator Kennedy introduced to the Senate, Mark and Sue Giljum, Emily and Jacob Giljum, Natalie Osmack, Josh Chrun, and Neil Boxdorfer, St. Louis; and Natalie, Emily, and Jacob were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-EIGHTH DAY-WEDNESDAY, APRIL 23, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 27-Gibbons, with SCS
2. SB 209-Steelman, et al,
with SCS
3. SB 685-Gibbons, et al, with
SCS
4. SB 455-Dougherty and Shields
5. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS
6. SB 446-Bartle, with SCS
7. SB 242-Yeckel, with SCA 1
8. SBs 415, 88, 200, 223, 413,
523, 589 & 626-Yeckel, with
SCS
9. SB 564-Gross
10. SB 236-DePasco and Loudon
11. SB 458-Childers
12. SBs 312, 49, 111, 113, 191,
206, 263, 404, 409, 418, 538,
550 & 584-Dolan, et al, with

SCS

13. SB 485-Shields, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 289, with SCS

(Steelman)

(In Fiscal Oversight)

2. HS for HCS for HBs 349, 120,

136 & 328-Crawford (Caskey)

3. HCS for HB 600, with SCS

(Shields)

(In Fiscal Oversight)

4. HS for HB 511-Deeken, with

SCS (Yeckel)

(In Fiscal Oversight)

5. HB 444-Jackson, with SCS

(Yeckel)

6. HB 208-Engler, et al, with SCS

(Kinder)

7. HB 286-Bearden, with SCS

(Shields)

8. HCS for HB 144, with SCS

(Vogel)

9. HS for HB 9-Bearden, with

SCS (Russell)

10. HS for HB 10-Bearden, with

SCS (Russell)

11. HS for HB 11-Bearden, with

SCS (Russell)

12. HS for HB 12-Bearden, with

SCS (Russell)

13. HCS for HB 13, with SCS

(Russell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 217-Champion and Clemens,

with SS (pending)

SB 241-Yeckel, with SCS

SBs 248, 100, 118, 233, 247,

341 & 420-Gross, et al, with

SCS & SS for SCS (pending)

SB 253-Steelman, et al, with

SCS, SS for SCS & SA 1

(pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with

SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,

with SCS & SS for SCS

(pending)

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS, SS for

SCS & SA 2 (pending)

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2

(pending)

SB 460-Loudon, with SS & SA 1

(pending)

SB 476-Jacob

SB 693-Klindt, et al, with SCS

SB 695-Goode and Russell

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HS for HB 3-Bearden, with

SCS (Russell)

HCS for HB 73 (Yeckel)

HCS for HBs 122 & 80 (Bland)

HS for HCS for HB 321-

Wilson (130) (Loudon)

HCS for HB 390, with SCS (Cauthorn)

HB 412-Goodman, et al (Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and

Parker (Dolan)

HB 292-Wagner (Stoll)

HB 358-Boykins (Coleman)

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al, with

SCS (Childers)

HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer (Bartle)

Reported 4/14

HCS for HB 93 (Childers)

HCS for HB 97 (Stoll)

HB 199-Jolly, et al (Wheeler)

HB 244-Baker, et al (Caskey)

HB 307-Merideth and

Shoemaker (Foster)

HCS for HB 318 (Caskey)

HB 326-Wagner, et al (Stoll)

HB 351-Quinn, et al (Klindt)

HB 375-Cooper (120) (Scott)

HB 463-King, et al (Caskey)

HCS for HB 472 (Bartle)

HB 552-Kingery, with SCS

(Foster)

HB 574-Jackson and Selby

(Griesheimer)

HB 594-Emery, et al (Nodler)

HB 512-Cooper (120), et al,

with SCS (Bartle)

HB 464-King, et al (Klindt)

HB 477-Moore, et al (Shields)

HB 440-Portwood (Steelman)

HB 376-Cooper (120) (Caskey)

HCS for HB 332 (Steelman)

HCS for HB 202 (Steelman)

HCS for HBs 59 & 269, with

SCS (Shields)

HB 597-Schlottach, et al (Dolan)

HCS for HB 245 (Clemens)

HB 162-Shoemaker (Cauthorn)

HB 261-Whorton, et al (Klindt)

HB 249-Seigfreid (Mathewson)

HB 247-Ward, et al (Kennedy)

HCS for HB 392, with SCS

(Griesheimer)

HB 505-Byrd and Villa, with

SCS (Mathewson)

HB 57-Riback Wilson, with

SCS (Jacob)

HB 60-Sutherland, with SCS

(Griesheimer)

HB 465-Hanaway, et al (Kinder)

Reported 4/15

HB 388-Riback Wilson, et al

(Jacob)

HCS for HB 253 (Mathewson)

HCS for HB 394, with SCA 1

(Caskey)

HCS for HB 427, with SCS (Bartle)

HB 430-Stevenson, et al (Caskey)

HB 599-Burnett, et al (Wheeler)

HCS for HB 613, with SCS (Bartle)

(In Fiscal Oversight)

HCS for HBs 152 & 180, with

SCS (Bartle)

HCS for HBs 348 & 347

(Griesheimer)

HCS for HB 131 (Griesheimer)

HB 254-Byrd (Klindt)

HB 553-Smith (14) (Gross)

HB 523-Dusenberger, et al (Vogel)

HCS for HB 575, with SCS

(Foster)

HB 75-Ruestman, et al (Childers)

HB 187-Cooper (120) and

Davis (122) (Dolan)

HCS for HB 371, with SCS (Dolan)

HB 478-Moore, et al (Yeckel)

HCS for HB 493 (Dolan)

HB 491-Rupp, et al, with SCS

(Dolan)

(In Fiscal Oversight)

HCS for HB 356 (Scott) SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 4-Caskey and

Russell, with HCA 1

SB 68-Childers, with HCS

SCS for SB 130-Gross and

Dolan, with HCS

SCS for SB 218-Goode, et al,

with HCS

SB 266-Shields and Kennedy,

with HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 296-Griesheimer,

with HS for HCS, as amended

SCS for SBs 299 & 40-Champion,

et al, with HS, as amended RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 3-Loudon

SCR 11-Steelman

(In Fiscal Oversight)

SCR 14-Dolan and Kinder

SCR 16-Goode, et al

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-EIGHTH DAY--WEDNESDAY, APRIL 23, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"No discipline seems pleasant at the time but painful." (Hebrews 12:11)

Merciful Father, may we always remember that You discipline us out of love for Your people. We know Lord that through the difficulties we are faced with, and the anxieties people throughout the state are experiencing, there is a discipline to be learned here. Help us be among those open to this teaching that we might acquire a new peace and righteousness so we might live more effective lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from MTS & MTN, the Associated Press, Rock Wood School District and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Foster offered Senate Resolution No. 715, regarding Jessica Diane Bible, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 716, regarding Haylee Hunt, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 717, regarding Abbey Smith, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 718, regarding Emily Earnest, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 719, regarding Ciera Nychole Walker, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 720, regarding Erica Nicole Harmon, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 721, regarding Leslie Ann Holloway, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 722, regarding Sarah Garrett, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 723, regarding Leah Paige McCormick, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 724, regarding Annaliese Thiele, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 725, regarding Amanda Nichole Carnell, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 726, regarding Ashley Danielle Autry, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 727, regarding Lydia Wade, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 728, regarding Amy Nicole Robinson, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 729, regarding Brooke Privett, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 730, regarding Brittany Lytle, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 731, regarding Jaime Paige Wamington, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 732, regarding Patricia Pfeffer, Kennett, which was adopted.

Senator Caskey offered Senate Resolution No. 733, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Willard Crust, Archie, which was adopted.

Senator Loudon offered Senate Resolution No. 734, regarding University Outreach and Extension Week 2003, which was adopted.

Senator Loudon offered Senate Resolution No. 735, regarding Matthew R. Michelson, which was adopted.

Senator Vogel offered Senate Resolution No. 736, regarding Travis M. Figg, Jefferson City, which was adopted.

Senator Days offered Senate Resolution No. 737, regarding the St. Louis Cinco De Mayo Festival and Parade, which was adopted.

Senator Jacob offered Senate Resolution No. 738, regarding Linda Fowler, Moberly, which was adopted.

CONCURRENT RESOLUTIONS

Senator Foster offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 20

WHEREAS, the national motto of the United States is "In God We Trust"; and

WHEREAS, the national motto was adopted in 1956 and is codified in the laws of the United States at Section 302 of Title 36, United States Code; and

WHEREAS, the national motto is a reference to the nation's "religious heritage" (*Lynch v. Donnelly*, 465 U.S. 668, 676 (1984)); and

WHEREAS, the national motto recognizes the religious beliefs and practices of the American people as an aspect of our national history and culture; and

WHEREAS, nearly every criminal law on the books can be traced to some religious principle or inspiration; and

WHEREAS, the national motto is deeply interwoven into the fabric of our civil polity; and

WHEREAS, the national motto recognizes the historical fact that our nation was believed to have been founded "under God"; and

WHEREAS, the content of the national motto is as old as the Republic itself and has always been as integral a part of the First Amendment as the very words of that charter of religious liberty; and

WHEREAS, the display and teaching of the national motto to public school children has a valid secular purpose, such secular purpose being to foster patriotism, symbolize the historical role of religion in our society, express confidence in the future, inculcate hope, and instruct in humility; and

WHEREAS, there is a long tradition of government acknowledgment of religion in mottos, oaths, and anthems; and

WHEREAS, the national motto serves "the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society" (*Lynch v. Donnelly*, 465 U.S. at 693 (O'Connor, J., concurring)); and

WHEREAS, the national motto reflects the sentiment that "[w]e are a religious people whose institutions presuppose a Supreme Being" (*Zorach v. Clauson*, 343 U.S. 306, 313 (1952)); and

WHEREAS, President George Washington, in his Farewell Address, stated, "[o]f all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports," and "[w]hatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle," and "let us with caution indulge the supposition that morality can prevail in exclusion of religious principle"; and

WHEREAS, President John Adams wrote that "it is religion and morality alone which can establish the principles upon which freedom can securely stand"; and

WHEREAS, the role of religion in public life is an important one which deserves the public's attention; and

WHEREAS, the signers of the Declaration of Independence appealed to the Supreme Judge of the World for the rectitude of their intentions, and avowed a firm reliance of the protection of Divine Providence; and

WHEREAS, President George Washington, in his First Inaugural Address, said that "it would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes"; and

WHEREAS, The First Congress urged President George Washington to proclaim "a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many single favors of Almighty God"; and

WHEREAS, the First Congress reenacted the Northwest Ordinance, which stated that "[r]eligion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged"; and

WHEREAS, the Declaration of Independence demonstrates this Nation was founded on transcendent values which flow from a belief in a Supreme Being; and

WHEREAS, the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him, is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself; and

WHEREAS, religion has been closely identified with the history and Government of the United States; and

WHEREAS, our national life reflects a religious people who earnestly pray that the Supreme Lawgiver guide them in every measure which may be worthy of His blessing; and

WHEREAS, the national motto is prominently engraved in the wall above the Speaker's dais in the Chamber of the House of Representatives,

appears over the entrance to the Chamber of the Senate, and is depicted on all United States coins and currency:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby affirm the support of the Missouri Legislature for the United State's national motto "In God We Trust", and encourages the display of the national motto of the United States in public buildings throughout the state; and

BE IT FURTHER RESOLVED that the Missouri General Assembly affirm our support for and encourage any elected or appointed official, state employee, teacher, administrator, or local school board in any public school district of this state, to read or post in any public building, school, classroom, or at a school event any excerpts or portions of any historical document, writing, or record relating to the founding of the United States of America or the state of Missouri, or both, and any historical document, writing, or record that represents a substantial influence on national or state history, including:

- (1) The Preamble to the Missouri Constitution;
- (2) The Declaration of Independence;
- (3) The Constitution of the United States of America;
- (4) The Mayflower Compact;
- (5) The national motto;
- (6) The National Anthem;
- (7) The Pledge of Allegiance;
- (8) The writings, speeches, documents, and proclamations of the founding fathers and Presidents of the United States of America;
- (9) The writings, speeches, and documents relating to civil rights leaders of the United States of America;
- (10) The writings, speeches, and documents relating to the signers of the Declaration of Independence and the Constitution of the United States of America;
- (11) The decisions of the Supreme Court of the United States of America; and
- (12) Acts of the Congress of the United States of America, including the published text of the Congressional record; and

BE IT FURTHER RESOLVED that there shall be no content-based censorship of American or Missouri history or heritage as represented in its historical documents, writings, and records based upon religious references contained within these documents, writings, and records; nor shall there be a use of such documents, writings, and records to advance or inhibit a religion or particular religious belief; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

HOUSE BILLS ON THIRD READING

HS for **HB 3**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was called from the Informal Calendar and taken up by Senator Russell.

SCS for **HS** for **HB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HB 3** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 3, Page 6, Section 3.135, by deleting said section in its entirety and inserting in lieu thereof the following:

"Section 3.135. To the Department of Higher Education

For distribution to community colleges as provided in Section 163.191, RSMo, program improvements in workforce preparation, selected out-of-district courses, workforce preparation projects, and regional technical education initiatives

From General Revenue Fund \$ 122,439,777

From Lottery Proceeds Fund 5,696,592

Total \$ 128,136,369

And further amend said bill, Page 7, Section 3.145, Line 3, by deleting the figure "\$3,762,484" and inserting in lieu thereof the figure "\$3,949,072"; and

Further amend said bill, Page 7, Section 3.145, by deleting lines 5 through 8; and

Further amend said bill, Page 8, Section 3.150, Line 3, by deleting the figure "\$44,607,433" and inserting in lieu thereof the figure "\$46,819,587"; and

Further amend said bill, Page 8, Section 3.150, by deleting Lines 5 through 9; and

Further amend said bill, Page 8, Section 3.155, Line 3, by deleting the figure "\$36,324,075" and inserting in lieu thereof the figure "\$38,125,444"; and

Further amend said bill, Page 8, Section 3.155, by deleting Lines 5 through 9; and

Further amend said bill, Page 8, Section 3.160, Line 3, by deleting the figure "\$66,157,190" and inserting in lieu thereof the figure "\$69,429,381"; and

Further amend said bill, Page 9, Section 3.160, by deleting Lines 5 through 9; and

Further amend said bill, Page 9, Section 3.165, Line 3, by deleting the figure "\$13,883,547" and inserting in lieu thereof the figure "14,572,030"; and

Further amend said bill, Page 9, Section 3.165, by deleting Lines 5 through 9; and

Further amend said bill, Page 9, Section 3.170, Line 3, by deleting the figure "\$33,785,024" and inserting in lieu thereof the figure "\$35,460,477"; and

Further amend said bill, Pages 9-10, Section 3.170, by deleting Lines 5 through 9; and

Further amend said bill, Page 10, Section 3.175, Line 3, by deleting the figure "\$24,917,193" and inserting in lieu thereof the figure "\$26,144,617"; and

Further amend said bill, Page 10, Section 3.175, by deleting Lines 5 through 9; and

Further amend said bill, Page 10, Section 3.180, Line 3, by deleting the figure "\$17,498,199" and inserting in lieu thereof the figure "\$18,355,572"; and

Further amend said bill, Page 10, Section 3.180, by deleting Lines 5 through 9; and

Further amend said bill, Page 11, Section 3.185, Line 3, by deleting the figure "\$17,180,248" and inserting in lieu thereof the figure "\$18,025,456"; and

Further amend said bill, Page 11, Section 3.185, by deleting Lines 5 through 9; and

Further amend said bill, Page 11, Section 3.190, Line 3, by deleting the figure "\$8,130,221" and inserting in lieu thereof the figure "\$8,533,412"; and

Further amend said bill, Page 11, Section 3.190, by deleting Lines 5 through 9; and

Further amend said bill, Page 12, Section 3.195, Line 4, by deleting the figure "\$329,874,027" and inserting in lieu thereof the figure "\$346,233,005"; and

Further amend said bill, Page 12, Section 3.195, by deleting Lines 6 through 10.

Senator Caskey moved that the above amendment be adopted.

Senator Days offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 3, Page 6, Section 3.135, by deleting said section and inserting in lieu thereof the following:

"Section 3.135. To the Department of Higher Education

For distribution to community colleges as provided in Section 163.191, RSMo, program improvements in workforce preparation, selected out-of-district courses, workforce preparation projects, and regional technical education initiatives

From General Revenue Fund \$ 126,660,716

From Lottery Proceeds Fund 5,696,592

Total \$ 132,357,308

And further amend said bill, Page 7, Section 3.145, Line 3, by deleting the figure "\$3,762,484" and inserting in lieu thereof the figure "\$4,093,011"; and

Further amend said bill, Page 7, Section 3.145, by deleting lines 5 through 8. Adjust section total accordingly; and

Further amend said bill, Page 8, Section 3.150, Line 3, by deleting the figure "\$44,607,433" and inserting in lieu thereof the figure "\$48,526,105"; and

Further amend said bill, Page 8, Section 3.150, by deleting Lines 5 through 9. Adjust section total accordingly; and

Further amend said bill, Page 8, Section 3.155, Line 3, by deleting the figure "\$36,324,075" and inserting in lieu thereof the figure "\$39,515,071"; and

Further amend said bill, Page 8, Section 3.155, by deleting Lines 5 through 9. Adjust section total accordingly; and

Further amend said bill, Page 8, Section 3.160, Line 3, by deleting the figure "\$66,157,190" and inserting in lieu thereof the figure "\$71,953,643"; and

Further amend said bill, Page 9, Section 3.160, by deleting Lines 5 through 9. Adjust section total accordingly; and

Further amend said bill, Page 9, Section 3.165, Line 3, by deleting the figure "\$13,883,547" and inserting in lieu thereof the figure "15,103,146"; and

Further amend said bill, Page 9, Section 3.165, by deleting Lines 5 through 9. Adjust section total accordingly; and

Further amend said bill, Page 9, Section 3.170, Line 3, by deleting the figure "\$33,785,024" and inserting in lieu thereof the figure "\$36,752,970"; and

Further amend said bill, Pages 9-10, Section 3.170, by deleting Lines 5 through 9. And adjust section total accordingly; and

Further amend said bill, Page 10, Section 3.175, Line 3, by deleting the figure "\$24,917,193" and inserting in lieu thereof the figure "\$27,091,487"; and

Further amend said bill, Page 10, Section 3.175, by deleting Lines 5 through 9. Adjust section total accordingly; and

Further amend said bill, Page 10, Section 3.180, Line 3, by deleting the figure "\$17,498,199" and inserting in lieu thereof the figure "\$19,016,975"; and

Further amend said bill, Page 10, Section 3.180, by deleting Lines 5 through 9. Adjust section total accordingly; and

Further amend said bill, Page 11, Section 3.185, Line 3, by deleting the figure "\$17,180,248" and inserting in lieu thereof the figure "\$18,677,474"; and

Further amend said bill, Page 11, Section 3.185, by deleting Lines 5 through 9. Adjust section total accordingly; and

Further amend said bill, Page 11, Section 3.190, Line 3, by deleting the figure "\$8,130,221" and inserting in lieu thereof the figure "\$8,844,444"; and

Further amend said bill, Page 11, Section 3.190, by deleting Lines 5 through 9. Adjust section total accordingly; and

Further amend said bill, Page 12, Section 3.195, Line 4, by deleting the figure "\$329,874,027" and inserting in lieu thereof the figure "\$358,852,788"; and

Further amend said bill, Page 12, Section 3.195, by deleting Lines 6 through 10. Adjust section total accordingly; and

Further amend said bill, Page 14, by adjusting bill totals accordingly.

Senator Days moved that the above substitute amendment be adopted.

Senator Childers assumed the Chair.

Senator Jacob offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Bill No. 3, Line 8, by deleting the figure "\$126,660,716" and inserting in lieu thereof "\$131,203,990"; and Line 12, by deleting the figure "\$4,093,011" and inserting in lieu thereof the figure "\$4,268,947"; and Line 15, by deleting the figure "\$48,526,105" and inserting in lieu thereof the figure "\$50,611,984"; and Line 18, by deleting the figure "\$39,515,071" and inserting in lieu thereof the figure "\$41,213,614"; and Line 21, by deleting the figure "\$71,953,643" and inserting in lieu thereof the figure "73,094,217"; and Line 24, by deleting the figure "\$15,103,146" and inserting in lieu thereof the figure "\$15,746,900"; and Line 27, by deleting the figure "\$36,752,970" and inserting in lieu thereof the figure "\$38,332,785"; and Line 30, by deleting the figure "\$27,091,487" and inserting in lieu thereof the figure "\$26,391,659"; and Line 34, by deleting the figure "\$19,016,975" and inserting in lieu thereof the figure "\$17,489,031"; and Line 38, by deleting the figure "\$18,677,474" and inserting in lieu thereof the figure "\$17,948,071; and Line 42, by deleting the figure "\$8,844,444" and inserting in lieu thereof the figure "\$9,224,620"; and Line 45, by deleting the figure "\$358,852,788" and inserting in lieu thereof the figure "\$374,277,963".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Days, Gibbons and Stoll.

SA 1 to **SSA 1** for **SA 1** failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler-- 12
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel-- 20
Absent--Senator Goode-- 1			
Absent with leave--Senator DePasco-- 1			

SSA 1 for **SA 1** was again taken up.

Senator Days moved that the above substitute amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Bray, Jacob and Stoll.

SSA 1 for **SA 1** failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler-- 12

	NAYS--Senators		
Cauthorn	Champion	Childers	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
	Absent--Senators		
Bartle	Goode--2		
	Absent with leave--Senator DePasco--1		

SA 1 was again taken up.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Jacob, Kennedy and Quick.

SA 1 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
	Absent--Senator Goode--1		
	Absent with leave--Senator DePasco--1		

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 3, Page 6, Section 3.135, by deleting said section and inserting in lieu thereof the following:

"Section 3.135. To the Department of Higher Education

For distribution to community colleges as provided in Section 163.191, RSMo, program improvements in workforce preparation, selected out-of-district courses, workforce preparation projects, and regional technical education initiatives

From General Revenue Fund \$ 116,968,187

From Lottery Proceeds Fund 5,696,592

122,664,779

For distribution to community colleges as provided in Section 163.191, RSMo, program improvements in workforce preparation, selected out-of-district courses, workforce preparation projects, and regional technical education initiatives, contingent upon the availability of additional new revenue for Fiscal Year 2004 as authorized in legislation in 2003 by the 92nd General Assembly and approved by the Governor and/or voters.

From General Revenue Fund \$ 14,235,803

Total \$ 136,900,582

And further amend said bill, Page 7, Section 3.145, Line 8, by deleting the figure "186,588" and inserting in lieu thereof the figure "506,463". Adjust section total accordingly; and

Further amend said bill, Page 8, Section 3.150, Line 9, by deleting the figure "\$2,212,154" and inserting in lieu thereof the figure "\$6,004,551". Adjust section total accordingly; and

Further amend said bill, Page 8, Section 3.155, Line 9, by deleting the figure "\$1,801,369" and inserting in lieu thereof the figure "\$4,889,539". Adjust section total accordingly; and

Further amend said bill, Page 9, Section 3.160, Line 9, by deleting the figure "\$3,272,191" and inserting in lieu thereof the figure "\$6,937,027". Adjust section total accordingly; and

Further amend said bill, Page 9 Section 3.165, Line 9, by deleting the figure "\$688,483" and inserting in lieu thereof the figure "\$1,863,353". Adjust section total accordingly; and

Further amend said bill, Page 10, Section 3.170, Line 9, by deleting the figure "\$1,675,453" and inserting in lieu thereof the figure "\$4,547,761". Adjust section total accordingly; and

Further amend said bill, Page 10, Section 3.175, Line 9, by deleting the figure "\$1,227,424" and inserting in lieu thereof the figure "\$1,474,466". Adjust section total accordingly; and

Further amend said bill, Page 10, Section 3.180, Lines 5-9, by deleting said lines in their entirety. Adjust section total accordingly; and

Further amend said bill, Page 11, Section 3.185, Line 9, by deleting the figure "\$845,208" and inserting in lieu thereof the figure "\$767,823". Adjust section accordingly; and

Further amend said bill, Page 11, Section 3.190, Line 9, by deleting the figure "\$403,191" and inserting in lieu thereof the figure "\$1,094,399". Adjust section total accordingly; and

Further amend said bill, Page 12, Section 3.195, Line 10, by deleting the figure "\$16,358,978" and inserting in lieu thereof the figure "\$44,403,936". Adjust section total accordingly; and

Further amend said bill, Page 14, by adjusting bill totals accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Russell and Wheeler.

Senator Shields assumed the Chair.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler-- 12
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott

Shields	Steelman	Vogel	Yeckel--20
	Absent--Senator Goode--1		
	Absent with leave--Senator DePasco--1		

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Bill No. 3, Page 3, Section 3.040, Lines 1-4, by deleting said section in its entirety; and

Further amend said bill, Page 3, Section 3.045, by deleting said section in its entirety; and

Further amend said bill, Page 3, Section 3.050, by deleting said section in its entirety; and

Further amend said bill, Page 3, Section 3.055, by deleting said section in its entirety; and

Further amend said bill, Page 3, Section 3.060, Line 4, by deleting the figure "\$425,000" and inserting in lieu thereof the figure "\$29,422,386". Adjust section total accordingly; and

Further amend said bill, Page 4, Section 3.065, Line 4, by deleting the figure "\$8,385,000 E" and inserting in lieu thereof the figure "\$37,382,386 E". Adjust section total accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Bray, Gibbons and Wheeler.

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Coleman	Days
Dougherty	Jacob	Kennedy	Mathewson
Quick	Wheeler--10		
	NAYS--Senators		
Bartle	Caskey	Cauthorn	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
	Absent--Senators		
Champion	Stoll--2		
	Absent with leave--Senator DePasco--1		

Senator Russell offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Bill No. 3, Page 7, Section 3.135, Lines 20-24, by deleting all of said lines and inserting in lieu thereof the following:

"For Regional Technical Education Initiatives

From General Revenue Fund 19,969,650".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HS** for **HB 3**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 3**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 380** and has taken up and passed **SCS** for **HCS** for **HB 380**.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

BILLS DELIVERED TO THE GOVERNOR

SB 14; SB 50; SCS for **SBs 194** and **189; SB 232; HCS** for **SB 234; SB 235; SCS** for **SB 239; SB 255; and SB 371**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

A quorum was established by the following vote:

Present--Senators

Bartle	Caskey	Champion	Childers
Days	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Wheeler	Yeckel--23	
	Absent--Senators		
Bland	Bray	Cauthorn	Clemens
Coleman	Dolan	Dougherty	Quick
Stoll	Vogel--10		
	Absent with leave--Senator DePasco--1		

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **HCS** for **HB 221** and **SCS** for **HCS** for **HB 380**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Senator Shields assumed the Chair.

HOUSE BILLS ON THIRD READING

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to reconsider, in one vote, the votes by which the titling and perfecting motions, the third reading motion and the motion to adopt the Senate Committee Substitute, as amended, carried on **SCS** for **HS** for **HB 2**, as amended, which request was granted.

Having voted on the prevailing side, Senator Russell moved that the vote to lay on the table the motion to reconsider the vote by which **SCS** for **HS** for **HB 2**, as amended, passed; the vote by which the title was agreed to; the vote by which the bill was 3rd read and passed; and the vote by which the Senate Committee Substitute, as amended, was adopted, be reconsidered, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senator DePasco--1		

SCS for **HS** for **HB 2**, as amended, was again taken up.

Senator Russell offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Substitute for House Bill No. 2, Page 2, Section 2.015, Line 4, by deleting the number "\$1,656,625,892" and inserting in lieu thereof the number "\$1,563,492,767"; and further amend said section, line 5, by deleting the number "\$344,741,466" and inserting in lieu thereof the number "\$337,874,571"; and further amend said section, line 12, by deleting the number "\$2,029,959,803" and inserting in lieu thereof the number "\$1,929,959,803"; and further amend said bill, page 16, section 2.305, line 5, by deleting the number "\$1,746,593,075" and inserting in lieu thereof the number "\$1,646,593,075" and amend bill totals accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HS** for **HB 2**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 2**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HB 9**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HS** for **HB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HB 9** be adopted.

Senator Russell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 9, Page 12, Section 9.425, Line 10, by deleting the number "\$20,774,183" and inserting in lieu thereof the number "22,302,979"; and further amend said section, line 16, by deleting the number "22,786,379" and inserting in lieu thereof the number "24,315,175"; and adjust bill totals accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HS** for **HB 9**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 9**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--23	

NAYS--Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Quick
Stoll	Wheeler--10		

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HB 10**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1,

2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HS** for **HB 10**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HB 10** be adopted.

Senator Russell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 10, Page 16, Section 10.610, Lines 16-19, by deleting said lines and inserting in lieu thereof the following: "for persons with autism and their families"; and

Further amend said section, line 13, by deleting said line and inserting in lieu thereof the following: "in-home services/choices for families, contingent upon the availability of additional new revenue for fiscal year 2004 as authorized in legislation in 2003 by the 92nd General Assembly and approved by the Governor and/or voters"; and

Further amend said bill, page 8, section 10.210, line 7, by deleting the number "190,069" and inserting in lieu thereof the number "190,669"; further amend said section, line 9, by deleting the number "2,653,202" and inserting in lieu thereof the number "2,653,802".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 10, Page 16, Section 10.410, Line 4, by adding at the end of said line the following "; and provided that residential services for non-Medicaid eligibles shall not be reduced below the prior year expenditure".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

The Senate observed a moment of silence in memory of workers killed on the job in Missouri during the past year.

Senator Quick offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Bill No. 10, Page 37, Section 10.800, by deleting

said section in its entirety and amend bill totals accordingly.

Senator Quick moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Bray, Jacob and Mathewson.

Senator Childers assumed the Chair.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Days
Foster	Mathewson	Nodler	Quick
Wheeler--9			
NAYS--Senators			
Bland	Cauthorn	Champion	Childers
Clemens	Coleman	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
Absent--Senator Loudon--1			
Absent with leave--Senator DePasco--1			

Senator Bray offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Bill No. 10, Page 8, Section 10.210, Line 6, by deleting the figure "\$3,765,964" and inserting in lieu thereof the figure "\$4,671,136"; and

Further amend said bill, Page 9, Section 10.210, Line 28, by deleting the figure "12.96" and inserting in lieu thereof the figure "38.46" and deleting the figure "\$147,093,344" and inserting in lieu thereof the figure "\$147,998,516".

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Coleman, Days and Jacob.

Senator Shields assumed the Chair.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Cauthorn
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Stoll	Wheeler--12
NAYS--Senators			
Bartle	Champion	Childers	Clemens
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
Absent--Senator Quick--1			

Senator Bray offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Bill No. 10, Page 32, Section 10.720, Line 5, by inserting immediately after said section the following new section:

"Section 10.725. To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health

1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are preconception services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling is defined as providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide. An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services, including its own independent affiliate. Nondirective counseling relating to pregnancy may be provided. None of these funds may be paid or granted to an organization or an affiliate of an organization that provides abortion services. An organization that receives these funds may not display or distribute marketing materials about abortion services to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services, and to ensure that an organization that provides abortion services does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services may not share any of the following:

- (a) The same or similar name;
- (b) Medical or non-medical facilities including but not limited to business offices, treatment, consultation, examination, and waiting rooms;
- (c) Expenses;
- (d) Employee wages or salaries; or
- (e) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment and office supplies.

An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect economic or marketing benefit from these funds. An independent audit shall be conducted at least once every three years to ensure compliance with this section. If the organization is an affiliate of an organization which provides abortion services, the independent audit shall be conducted at least annually. The audit shall be conducted by either an independent auditing firm retained by the department of health or by an independent auditing firm approved by the department and retained by an organization receiving these funds. Any organization receiving

federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required under the federal act, but otherwise prohibited pursuant to this section if:

- 1) Specifically directed by United States Secretary of Health and Human Services to perform such services by written order directed to the organization; and
- 2) Such order is final and no longer subject to appeal, and
- 3) The refusal to perform such required services will result in the withholding of federal funds to said organization.

Federal statutory or regulatory provisions or guidelines of general application shall not constitute such written order as described herein.

2. If any provision of subsection 1 of this section is held invalid, the provision shall be severed from subsection 1 of this section and the remainder of subsection 1 of this section shall be enforced. If the entirety of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3 of this section; otherwise subsections 3 and 5 of this section shall have no effect.

3. For the purpose of funding family planning services, pregnancy testing, and follow-up services that are provided directly by the Department of Health or provided directly by government agencies of this state or provided directly by any political subdivision of this state or provided directly by community mental health centers organized pursuant to sections 205.975 to 205.990, RSMo, or provided directly by community action agencies organized pursuant to sections 660.370 to 660.374, RSMo, through contractual agreement with the department, provided that none of the funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are preconception services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling is defined as providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide. An entity that receives funds pursuant to this subsection may not directly refer patients who seek abortion services to any organization that provides abortion services. Nondirective counseling relating to pregnancy may be provided. None of the funds provided pursuant to this subsection may be paid or granted to an entity that provides abortion services. Any entity receiving funds pursuant to this subsection may not display or distribute marketing materials about abortion services to patients. An independent audit shall be conducted at least once every three years to ensure compliance with this section. The audit shall be conducted by either an independent auditing firm retained by the Department of Health or by an independent auditing firm approved by the department and retained by the entity receiving these funds. Any entity receiving federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required under the federal act, but otherwise prohibited pursuant to this section if:

- 1) Specifically directed by the United States Secretary of Health and Human Services to perform such services by written order directed to the entity; and
- 2) Such order is final and no longer subject to appeal, and
- 3) The refusal to perform such required services will result in the withholding of federal funds to said entity.

Federal statutory or regulatory provisions or guidelines of general application shall not constitute such written order as described herein.

4. If the entirety of subsection 1 of this section is held invalid and any provision of subsection 3 of this section is held invalid, then this appropriation shall be in accordance with subsection 5; otherwise subsection 5 shall have no effect.

5. For the purpose of funding family planning services, pregnancy testing, and follow-up services that are provided directly by the Department of Health or provided by government agencies of this state or provided directly by any political subdivision of this state through contractual agreement with the department, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are preconception services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling is defined as providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide. The department and any other government entity receiving funds pursuant to this subsection may not directly refer patients who seek abortion services to any organization that provides abortion services. Nondirective counseling relating to pregnancy may be provided. None of the funds provided pursuant to this subsection may be paid or granted to a government entity that provides abortion services. The department and any other government entity receiving funds pursuant to this subsection may not display or distribute marketing materials about abortion services to patients. An independent audit shall be conducted at least once every three years to ensure compliance with this section. The audit shall be conducted by either an independent auditing firm retained by the Department of Health or by an independent auditing firm approved by the department and retained by the government entity receiving these funds. Any government entity receiving federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required under the federal act, but otherwise prohibited pursuant to this section if:

- 1) Specifically directed by the United States Secretary of Health and Human Services to perform such services by written order directed to the government entity; and
- 2) Such order is final and no longer subject to appeal, and
- 3) The refusal to perform such required services will result in the withholding of federal funds to said government entity.

Federal statutory or regulatory provisions or guidelines of general application shall not constitute such written order as described herein.

From General Revenue Fund \$3,618,639

From Federal Funds 1,464,819

Total (0 F.T.E.) \$5,083,458".

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Russell moved that **SCS** for **HS** for **HB 10**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 10**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell

Scott Yeckel--21	Shields	Steelman	Vogel
	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Griesheimer	Jacob
Kennedy	Quick	Stoll	Wheeler--12
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HB 11**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HS** for **HB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HB 11** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 11, Page 17, Section 11.265, Line 5, by inserting immediately after said line the following new lines:

"For the purpose of funding independent living placements and transitional living payment services, contingent upon the availability of additional new revenue for fiscal year 2004 as authorized in legislation in 2003 by the 92nd General Assembly and approved by the Governor and/or voters

From General Revenue Fund \$1,777,894"

and adjust bill totals accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 11, Page 17, Section 11.255, Line 23, by inserting after said line the following lines:

"For the purpose of funding the CHOICES program, contingent upon the availability of additional new revenue for fiscal year 2004 as authorized in legislation in 2003 by the 92nd General Assembly and approved by the Governor and/or voters

From General Revenue Fund \$648,792"

and adjust bill totals accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Bill No. 11, Page 8, Section 11.105, Line 9, by deleting the number "\$27,948,342" and inserting the number "\$28,482,440"; and further amend said section, line 10 by deleting the number "60,734,831" and inserting the number "60,983,407"; and further amend said section, line 11 by deleting the number "4,398,163" and inserting the number "4,418,682"; and further amend said section, line 13 by deleting the number "663,295" and inserting the number "675,041"; and further amend said section, line 14 by deleting the number "28,252" and inserting the number "28,749"; and

Further amend said bill, page 15, section 11.240, line 9 by deleting the number "\$25,022,787" and inserting the number "\$25,579,261"; and further amend said section, line 10 by deleting the number "38,515,828" and inserting the number "38,775,468"; and further amend said section, line 11 by deleting the number "4,461,573" and inserting the number "4,482,081"; and further amend said section, line 13 by deleting the number "49,718" and inserting the number "61,994"; and further amend said section, line 14 by deleting the number "28,209" and inserting the number "28,749"; and

Further amend said bill, page 1, section 11.005, by deleting the number "603,097" and inserting the number "403,097"; and

Further amend said bill, page 4, section 11.035, line 7 by deleting the number "1,989,785" and inserting the number "1,789,785", and further amend said bill, section 11.055, page 5, line 6 by deleting the number "6,120,456" and inserting the number "5,429,884"; and adjust bill totals accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Bill No. 11, Page 18, Section 11.275, Line 4, by deleting the number "\$1,749,583" and inserting the number "\$2,058,333"; and adjust bill totals accordingly.

Senator Days moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Caskey, Coleman and Scott.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Quick	Stoll	Wheeler--12
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
Absent--Senators			
Dolan	Mathewson--2		
Absent with leave--Senator DePasco--1			

Senator Russell offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Bill No. 11, Page 31, Section 11.475, Line 47, by deleting the words "for hospital-employed, Medicaid enrolled physicians in the emergency department"; and inserting in lieu thereof "costs incurred by hospitals for the staffing of the emergency department with Medicaid enrolled physicians,".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Quick offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Bill No. 11, Page 19, Section 11.305, Line 5, by deleting the number "\$52,112,362" and inserting the number "\$59,312,362"; and further amend said section, page 20, by deleting lines 21 through 26; and adjust bill totals accordingly.

Senator Quick moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Kennedy and Mathewson.

SA 6 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20

Absent--Senator Dolan-- 1

Absent with leave--Senator DePasco-- 1

Senator Coleman offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Bill No. 11, Page 10, Section 11.140, Line 5, by deleting the number "\$17,287,706" and inserting the number "\$25,495,706"; and adjust bill totals accordingly.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Days, Kennedy and Quick.

SA 7 failed of adoption by the following vote:

YEAS--Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler-- 12

NAYS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20

Absent--Senator Dolan-- 1

Absent with leave--Senator DePasco-- 1

Senator Bray offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Bill No. 11, Page 18, Section 11.290, Line 5, by deleting the number "\$3,655,000" and inserting the number "\$4,300,000"; and further amend said section by deleting lines 7 through 12; and adjust bill totals accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Coleman, Days and Jacob.

SA 8 failed of adoption by the following vote:

YEAS--Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Stoll	Wheeler-- 11	

NAYS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20

Absent--Senators

Dolan Quick--2
Absent with leave--Senator DePasco--1

Senator Bland offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Bill No. 11, Page 22, Section 11.405, Line 4, by deleting after the word programs the following ", contingent upon the availability of additional new revenue for fiscal year 2004 as authorized in legislation in 2003 by the 92nd General Assembly and approved by the Governor and/or voters".

Senator Bland moved that the above amendment be adopted, which motion failed.

Senator Dougherty offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Bill No. 11, Page 22, Section 11.405, Line 12, by inserting immediately thereafter the following new section:

"Section 11.406. To the Department of Social Services

For the Division of Medical Services

For the purpose of funding federally qualified health centers to provide dental services contingent upon the availability of additional new revenue for fiscal year 2004 as authorized in legislation in 2003 by the 92nd General Assembly and approved by the Governor and/or voters.

From General Revenue Fund \$1,000,000".

Senator Dougherty moved that the above amendment be adopted, which motion failed.

Senator Russell moved that **SCS** for **HS** for **HB 11**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 11**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HB 12**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HS** for **HB 12**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HB 12** be adopted.

Senator Russell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 12, Page 8, Section 12.300, Line 6, by deleting the number "\$3,763,491" and inserting in lieu thereof the number "\$4,050,444" and further amend said section, line 9 by deleting the number "\$3,888,491" and inserting in lieu thereof the number "\$4,175,444" and further amend said bill by adding the following new section:

"Section 12.303. To the Supreme Court

For the purpose of funding all grants and

contributions of funds from the federal

government or from any other source which may be deposited in the state treasury

for the use of the Supreme Court

Personal Service \$430,000

From Federal and other Funds (Not to exceed 8.00 FTE) \$430,000"

and further amend said bill by adding the following new section:

"Section 12.305. To the Supreme Court

For participation by the State of Missouri in the

National Center for State Courts

From General Revenue Fund \$136,137"

and further amend said bill, page 10, section 12.340, line 6, by deleting the number "2,919,828" and inserting in lieu thereof the number \$3,371,833" and further amend said bill, page 10, section 12.345, line 6, by deleting the number "\$3,818,570" and inserting in lieu thereof the number "\$4,270,921" and further amend said bill, page 11, section 12.350, line 6, by deleting the number "1,985,045" and inserting in lieu thereof the number "\$2,223,732" and adjust bill totals accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HS** for **HB 12**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HB 12**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Jacob	Kennedy	Quick
Wheeler--9			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 13**, with **SCS**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 13**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 13** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 13** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--25			

NAYS--Senators

Bland	Bray	Caskey	Days
Jacob	Quick	Wheeler--7	

Absent--Senator Coleman--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 292**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 314**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 466**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 478**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 358**, entitled:

An Act to repeal section 115.073, RSMo, and to enact in lieu thereof one new section relating to general expenses of elections paid by certain political subdivisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 373**, entitled:

An Act to repeal sections 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof four new sections relating to warehouse and self-service storage facilities.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 407**, entitled:

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof two new sections relating to health insurance coverage for cancer.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 394**, entitled:

An Act to repeal sections 347.700, 347.720, 351.268, 351.315, 351.320, 351.385, 351.455, 358.150, 358.520 and 359.165, RSMo, and to enact in lieu thereof twenty-one new sections relating to general and business corporations.

With House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 394, Page 10, Section 358.520, Line 27 by deleting after the word "**merger**" the word "**of**" and inserting in lieu thereof the word "**or**"; and

Further amend said bill, Page 15, Section 409.986, Line 1 by deleting the number "**409.602**" and inserting in lieu thereof the number "**409.6-602**"; and

Further amend said bill, Page 15, Section 409.987, Line 8 by deleting the number "**409.603**" and inserting in lieu thereof the number "**409.6-603**"; and

Further amend said bill, Page 15, Section 409.988, Line 7 by deleting the number "**409.604**" and inserting in lieu thereof the number "**409.6-604**"; and

Further amend said bill, Page 16, Section 409.989, Line 1 by deleting the number "**409.605**" and inserting in lieu thereof the number "**409.6-605**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 447**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 447, page 2, section 477.650, line 44, by inserting the following after all of said line:

"5. The Missouri supreme court, or a person or organization designated by the court, shall, by January 31st of each year, report to the general assembly on the moneys collected and disbursed pursuant to this act by judicial circuit."; and

Further amend said substitute, page 2, section 488.031, line 3, by inserting after the word "**appeal**" the following:

", except that no fee shall be imposed pursuant to this section on any case that is filed charging traffic violations except alcohol-related offenses"; and

Further amend said section, page 3, line 16, by inserting the following after all of said line:

"Section B. The provisions of sections 477.650 and 488.031, RSMo, shall expire on December 31, 2007."; and

Further amend the title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 16**, entitled:

An Act to repeal section 137.721, RSMo, and to enact in lieu thereof one new section relating to the percentage of ad valorem property tax collections to be deposited in county assessment funds.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 186**, entitled:

An Act to repeal sections 59.041, 59.042, and 483.015, RSMo, and to enact in lieu thereof three new sections relating to recorders of deeds.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 379**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 552**, entitled:

An Act to repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to property exempt from attachment.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 228**, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof two new sections relating to the purpose of tourism.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS No. 2** for **SB 52**, entitled:

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to the taxation of nonresident professional athletes and entertainers.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 294**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 175**, entitled:

An Act to repeal sections 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, and 196.445, RSMo, and to enact in lieu thereof one new section relating to food recovery inspection and safety by the department of health and senior services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 388**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 426**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 357**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 463**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 697**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 511**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 383**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 577**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 578**.

Bill ordered enrolled.

RE-REFERRALS

President Pro Tem Kinder re-referred **HS** for **HCS** for **HBs 679** and **396** to the Committee on Aging, Families, Mental and Public Health.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 739, regarding Kevin A. Selzer, which was adopted.

Senator Clemens offered Senate Resolution No. 740, regarding John A. Kelly, which was adopted.

Senator Kennedy offered Senate Resolution No. 741, regarding the Ste. Genevieve Chamber of Commerce, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Vogel introduced to the Senate, Pastor David and Lois Carlson, Russellville.

On behalf of Senator Loudon and himself, Senator Griesheimer introduced to the Senate, Dr. Linda Smith, Debbie Albert, Linda Michelson, and ten fifth grade students from Rockwood School District, Rockwood.

Senator Nodler introduced to the Senate, Pam Sauer and thirty students from College Heights Christian School, Joplin.

Senator Gibbons introduced to the Senate, Beth and Michael Viviano, and their son, Zachary, St. Louis; and Kenneth and Dorothy Parker, St. Louis; and Zachary was made an honorary page.

On behalf of Senator Shields, the President introduced to the Senate, his son, Bryce Shields, St. Joseph.

Senator Dougherty introduced to the Senate, former State Representative Laurie Donovan, Florissant.

Senator Bray introduced to the Senate, Joann and Tom Ruoff, Richmond Heights; and their granddaughters, Elise, Erin, and Ellen Dye, Fenton.

Senator Goode introduced to the Senate, members of the Paddock Forest Garden Club, Florissant.

Senator Kinder introduced to the Senate, former State Senator David Doctorian, Macon.

Senator Gibbons introduced to the Senate, John and Alice Longmire, Kirkwood.

Senator Champion introduced to the Senate, fourth grade students from Sequiota Elementary School, Springfield.

Senator Kennedy introduced to the Senate, Ron, Joan, and Matthew Leggett, St. Louis.

Senator Stoll introduced to the Senate, one hundred fourth grade students from Antonia Elementary School, Jefferson County; and Kyle Mathias, Stephanie Kirchhoff, and David Anderson were made honorary pages.

Senator Childers introduced to the Senate, Karen Best, and one hundred four fourth grade students, parents, and teachers from Hollister School, Hollister.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Richard Burns, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-NINTH DAY-THURSDAY, APRIL 24, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 27-Gibbons, with SCS
2. SB 209-Steelman, et al,
with SCS
3. SB 685-Gibbons, et al,
with SCS
4. SB 455-Dougherty and Shields
5. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS
6. SB 446-Bartle, with SCS
7. SB 242-Yeckel, with SCA 1
8. SBs 415, 88, 200, 223, 413,
523, 589 & 626-Yeckel, with SCS
9. SB 564-Gross
10. SB 236-DePasco and Loudon
11. SB 458-Childers
12. SBs 312, 49, 111, 113, 191,
206, 263, 404, 409, 418, 538,
550 & 584-Dolan, et al, with SCS

13. SB 485-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 289, with SCS

(Steelman)

(In Fiscal Oversight)

HS for HCS for HBs 349,

120, 136 & 328-Crawford (Caskey)

HCS for HB 600, with SCS (Shields)

(In Fiscal Oversight)

HS for HB 511-Deeken,

with SCS (Yeckel)

(In Fiscal Oversight)

HB 444-Jackson, with SCS

(Yeckel)

HB 208-Engler, et al, with SCS

(Kinder)

HB 286-Bearden, with SCS

(Shields)

HCS for HB 144, with SCS

(Vogel)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 217-Champion and

Clemens, with SS (pending)

SB 241-Yeckel, with SCS

SBs 248, 100, 118, 233, 247,

341 & 420-Gross, et al, with

SCS & SS for SCS (pending)

SB 253-Steelman, et al, with

SCS, SS for SCS & SA 1

(pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman,

with SS & point of order

(pending)

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,

with SCS & SS for SCS (pending)

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2

(pending)

SB 460-Loudon, with SS &

SA 1 (pending)

SB 476-Jacob

SB 693-Klindt, et al, with SCS

SB 695-Goode and Russell

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HCS for HBs 122 & 80 (Bland)

HS for HCS for HB 321-

Wilson (130) (Loudon)

HCS for HB 390, with SCS

(Cauthorn)

HB 412-Goodman, et al (Childers) CONSENT CALENDAR

Senate Bills

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and

Parker (Dolan)

HB 292-Wagner (Stoll)

HB 358-Boykins (Coleman)

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al,
with SCS (Childers)
HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer (Bartle)

Reported 4/14

HCS for HB 93 (Childers)

HCS for HB 97 (Stoll)

HB 199-Jolly, et al (Wheeler)

HB 244-Baker, et al (Caskey)

HB 307-Merideth and

Shoemaker (Foster)

HCS for HB 318 (Caskey)

HB 326-Wagner, et al (Stoll)

HB 351-Quinn, et al (Klindt)

HB 375-Cooper (120) (Scott)

HB 463-King, et al (Caskey)

HCS for HB 472 (Bartle)

HB 552-Kingery, with SCS (Foster)

HB 574-Jackson and Selby

(Griesheimer)

HB 594-Emery, et al (Nodler)

HB 512-Cooper (120), et al,
with SCS (Bartle)

HB 464-King, et al (Klindt)

HB 477-Moore, et al (Shields)

HB 440-Portwood (Steelman)

HB 376-Cooper (120) (Caskey)

HCS for HB 332 (Steelman)

HCS for HB 202 (Steelman)

HCS for HBs 59 & 269,

with SCS (Shields)

HB 597-Schlottach, et al

(Dolan)

HCS for HB 245 (Clemens)

HB 162-Shoemaker (Cauthorn)

HB 261-Whorton, et al (Klindt)

HB 249-Seigfreid (Mathewson)

HB 247-Ward, et al (Kennedy)

HCS for HB 392, with SCS

(Griesheimer)

HB 505-Byrd and Villa,

with SCS (Mathewson)

HB 57-Riback Wilson, with

SCS (Jacob)

HB 60-Sutherland, with SCS

(Griesheimer)

HB 465-Hanaway, et al (Kinder)

Reported 4/15

HB 388-Riback Wilson, et al
(Jacob)

HCS for HB 253 (Mathewson)

HCS for HB 394, with SCA 1
(Caskey)

HCS for HB 427, with SCS
(Bartle)

HB 430-Stevenson, et al
(Caskey)

HB 599-Burnett, et al (Wheeler)

HCS for HB 613, with SCS
(Bartle)

(In Fiscal Oversight)

HCS for HBs 152 & 180,
with SCS (Bartle)

HCS for HBs 348 & 347
(Griesheimer)

HCS for HB 131 (Griesheimer)

HB 254-Byrd (Klindt)

HB 553-Smith (14) (Gross)

HB 523-Dusenberg, et al
(Vogel)

HCS for HB 575, with SCS
(Foster)

HB 75-Ruestman, et al (Childers)

HB 187-Cooper (120) and

Davis (122) (Dolan)

HCS for HB 371, with SCS

(Dolan)

HB 478-Moore, et al (Yeckel)

HCS for HB 493 (Dolan)

HB 491-Rupp, et al, with

SCS (Dolan)

(In Fiscal Oversight)

HCS for HB 356 (Scott)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 4-Caskey and

Russell, with HCA 1

SCS for SB 16-Childers,

with HCS

SCS#2 for SB 52-Shields,

with HCS

SB 68-Childers, with HCS

SCS for SB 130-Gross and

Dolan, with HCS

SB 175-Loudon, with HCS

SB 186-Cauthorn, with HCS

SCS for SB 218-Goode,

et al, with HCS

SB 228-Griesheimer, with HCS

SB 266-Shields and Kennedy,

with HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 296-Griesheimer,

with HS for HCS, as amended

SCS for SBs 299 & 40-Champion,

et al, with HS, as amended

SCS for SB 358-Shields, with HCS

SCS for SB 373-Bartle, with HCS

SCS for SB 379-Champion, with

HCS

SB 394-Bartle, with HCS, as

amended

SB 407-Klindt, with HCS

SCS for SB 447-Bartle, with HCA 1

SB 552-Yeckel, with HCS

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

SCR 20-Foster

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 3-Loudon

SCR 11-Steelman

(In Fiscal Oversight)

SCR 14-Dolan and Kinder

SCR 16-Goode, et al

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY--THURSDAY, APRIL 24, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"And without faith it is impossible to please God, because anyone who comes to him must believe that he exists and that he rewards those who earnestly seek him." (Hebrews 11:6)

Gracious God, we stand before You and seek Your presence that we might come to understand the deepest meaning of Your Word for our lives and align our lives to Your directing and thus make it possible to bring Your plan to completion for us and the people we serve. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV, KMIZ-TV, ARD TV-Germany, the Associated Press and KMOV-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 742, regarding Reverend John Reiker, St. Louis, which was adopted.

Senator Russell offered Senate Resolution No. 743, regarding Rebecca L. Montgomery, Springfield, which was adopted.

Senator Dougherty offered Senate Resolution No. 744, regarding Charles J. Marino, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 745, regarding the United States Armed Forces, which was adopted.

Senator Vogel offered Senate Resolution No. 746, regarding Yang Shen, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 747, regarding the Missouri Police Chiefs Association, which was adopted.

Senator Vogel offered Senate Resolution No. 748, regarding Corrections Officer I Tracy Fry, Eldon, which was adopted.

Senator Vogel offered Senate Resolution No. 749, regarding Corrections Officer I Matthew Parvin, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 750, regarding Corrections Officer I Phillip Crandall, Jefferson City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Robert V. Jacobi, Jr., as a member of the Missouri Seed Capital Investment Board;

Also,

Richard J. Wilson, as a member of the Missouri Development Finance Board;

Also,

Danny Duane Nestleroad, as a member of the State Board of Optometry;

Also,

Kimberly C. Carlos, as Chairperson, and Jacqueline McKinsey, as members of the Missouri Women's Council;

Also,

Rebecca S. Stith, as a member of the Public Defender Commission;

Also,

Robert L. Langdon, as a member of the Coordinating Board for Higher Education;

Also,

Beth L. Viviano, as a member of the Missouri Family Trust Board of Trustees;

Also,

John W. Haasis, as a member of the Elevator Safety Board;

Also,

Karl E. Hewlett, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Angelia Mary Elgin, as a member of the Missouri Fire Safety Advisory Board;

Also,

Sam Burton, Ph.D. and Christy G. Broce, as members of the Children's Trust Fund Board;

Also,

Lai Lily Ko, as a member of the Missouri Community Service Commission;

Also,

John Chapman, as a member of the Workers' Compensation Determination Review Board.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SCR 20** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 600**, with **SCS**; **HCS** for **HB 289**, with **SCS**; **HCS** for **HB 613**, with **SCS**; **HB 491**, with **SCS**; and **HS** for **HB 511**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons stated that the Senate would go to the order of business of House Bills on Third Reading, Informal Calendar.

HOUSE BILLS ON THIRD READING

Senator Jacob raised the point of order that the calling of House Bills on Third Reading is out of order, in that the calendar, pursuant to Senate Rule 3, had not been properly called.

Senator Jacob raised the further point of order that a motion to go to an order of business must be placed before the body or the President must state "without objection" before going to that order of business.

The points of order were referred to the President Pro Tem.

Senator Shields assumed the Chair.

President Maxwell assumed the Chair.

President Pro Tem Kinder ruled the points of order well taken.

SENATE BILLS FOR PERFECTION

At the request of Senator Jacob, **SB 305** was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 321**, entitled:

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.210, 287.390, 287.610, 287.690, 287.715, and 287.800, RSMo, and to enact in lieu thereof eleven new sections relating to workers' compensation law.

Was called from the Informal Calendar and taken up by Senator Loudon.

Senator Scott offered **SS** for **HS** for **HCS** for **HB 321**, entitled:

SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 321

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.390, 287.610, 287.690, 287.715, and 287.800, RSMo, and to enact in lieu thereof twelve new sections relating to workers' compensation law.

Senator Scott moved that **SS** for **HS** for **HCS** for **HB 321** be adopted.

Senator Loudon offered **SS** for **SS** for **HS** for **HCS** for **HB 321**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 321

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.390, 287.510, 287.610, and 287.800, RSMo, and to enact in lieu thereof ten new sections relating to workers' compensation law.

Senator Loudon moved that **SS** for **SS** for **HS** for **HCS** for **HB 321** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 11, Section 287.120, Line 8, by deleting the word "**fifty**" and inserting in lieu thereof the words "**one hundred**"; and

Further by amending same page, same section, lines 9-14, by deleting all of said lines and inserting in lieu thereof the

following: **"use of alcohol or nonprescribed controlled drugs; provided that:**

- (a) It is established that the employee had actual knowledge of the rules or policy so adopted by the employer;**
- (b) It is established that the employer had, prior to the injury, made a diligent effort to inform the employee of the requirement to obey any reasonable rule or policy adopted by the employer; and**
- (c) The employee's use of alcohol or nonprescribed controlled drugs in the workplace is established by a test conducted pursuant to procedures and quality control standards established by the United States Department of Transportation (USDOT) and the test is conducted by a laboratory certified by the USDOT.";** and

Further by amending same page, same section, line 27, by inserting immediately before the words **"The voluntary"** the subsection identifier **"7."** and by modifying all subsequent subsection identifiers and intersubsectional references in section 287.120; and

Further by amending page 12, same section, line 2, by inserting immediately after the word **"injury"** the following: **"; provided that:**

- (a) The term "legal intoxication", as used in this subsection, shall mean that level of intoxication required for a conviction of operating a motor vehicle with excessive blood alcohol content pursuant to section 577.012, RSMo; and**
- (b) The employee's legal intoxication is established in accordance with all provisions and due process requirements of chapter 577 that are applicable to and afforded to a person operating a motor vehicle."**

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Wheeler offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 13, Section 287.067, Line 5 of said page, by inserting after all of said line the following:

"287.140. 1. In addition to all other compensation, the employee shall receive and the employer shall provide such medical, surgical, chiropractic, and hospital treatment, including nursing, custodial, ambulance and medicines, as may reasonably be required after the injury or disability, to cure and relieve from the effects of the injury. If the employee desires, he shall have the right to select his own physician, surgeon, or other such requirement at [his own] **the expense of the employer or, if insured, of the insurer.** Where the requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities. Regardless of whether the health care provider is selected by the employer or is selected by the employee [at the employee's expense], the health care provider shall have the affirmative duty to communicate fully with the employee regarding the nature of the employee's injury and recommended treatment exclusive of any evaluation for a permanent disability rating. Failure to perform such duty to communicate shall constitute a disciplinary violation by the provider subject to the provisions of chapter 620, RSMo. When an employee [is required to submit] **submits** to medical examinations or necessary medical treatment [at a place outside of the local or metropolitan area from the place of injury or the place of his residence,] the employer or its insurer shall advance or reimburse the employee for all necessary and reasonable expenses; except that an injured employee who resides outside the state of Missouri and who is employed by an employer located in Missouri shall have the option of selecting the location of services provided in this section either at a location within one hundred miles of the injured employee's residence, place of injury or place of hire by the employer. [The choice of provider within the location selected shall continue to be made by the employer.] In case of a medical examination if a dispute arises as to what expenses shall be paid by the employer, the matter shall be presented to the legal advisor, the administrative law judge or the commission, who shall set the sum to be paid and same shall be paid by the employer

prior to the medical examination. [In no event, however, shall the employer or its insurer be required to pay transportation costs for a greater distance than two hundred fifty miles each way from place of treatment.] In addition to all other payments authorized or mandated under this subsection, when an employee who has returned to full-time employment is required to submit to a medical examination for the purpose of evaluating permanent disability, or to undergo physical rehabilitation, the employer or its insurer shall pay a proportionate weekly compensation benefit based on the provisions of section 287.180 for such wages that are lost due to time spent undergoing such medical examinations or physical rehabilitation, except that where the employee is undergoing physical rehabilitation, such proportionate weekly compensation benefit payment shall be limited to a time period of no more than twenty weeks. For purposes of this subsection only, "physical rehabilitation" shall mean the restoration of the seriously injured person as soon as possible and as nearly as possible to a condition of self-support and maintenance as an able-bodied worker. Determination as to what care and restoration constitutes physical rehabilitation shall be the sole province of the treating physician. Should the employer or its insurer contest the determination of the treating physician, then the director shall review the case at question and issue his determination. Such determination by the director shall be appealable like any other finding of the director or the division. Serious injury includes, but is not limited to, quadriplegia, paraplegia, amputations of hand, arm, foot or leg, atrophy due to nerve injury or nonuse, and back injuries not amenable alone to recognized medical and surgical procedures.

2. If it be shown to the division or the commission that the requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employee is endangered thereby, the division or the commission may order a change in the physician, surgeon, hospital or other requirement.

3. All fees and charges under this chapter shall be fair and reasonable, shall be subject to regulation by the division or the commission, or the board of rehabilitation in rehabilitation cases. A health care provider shall not charge a fee for treatment and care which is governed by the provisions of this chapter greater than the usual and customary fee the provider receives for the same treatment or service when the payor for such treatment or service is a private individual or a private health insurance carrier. The division or the commission, or the board of rehabilitation in rehabilitation cases, shall also have jurisdiction to hear and determine all disputes as to such charges. A health care provider is bound by the determination upon the reasonableness of health care bills.

4. The division shall, by regulation, establish methods to resolve disputes concerning the reasonableness of medical charges, services, or aids. This regulation shall govern resolution of disputes between employers and medical providers over fees charged, whether or not paid, and shall be in lieu of any other administrative procedure under this chapter. The employee shall not be a party to a dispute over medical charges, nor shall the employee's recovery in any way be jeopardized because of such dispute.

5. No compensation shall be payable for the death or disability of an employee, if and insofar as the death or disability may be caused, continued or aggravated by any unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the division or the commission, inconsiderable in view of the seriousness of the injury. If the employee dies as a result of an operation made necessary by the injury, the death shall be deemed to be caused by the injury.

6. The testimony of any physician or chiropractic physician who treated the employee shall be admissible in evidence in any proceedings for compensation under this chapter, subject to all of the provisions of section 287.210.

7. Every hospital or other person furnishing the employee with medical aid shall permit its record to be copied by and shall furnish full information to the division or the commission, the employer, the employee or his dependents and any other party to any proceedings for compensation under this chapter, and certified copies of the records shall be admissible in evidence in any such proceedings.

8. The employer may be required by the division or the commission to furnish an injured employee with artificial legs, arms, hands, surgical orthopedic joints, or eyes, or braces, as needed, for life whenever the division or the commission shall find that the injured employee may be partially or wholly relieved of the effects of a permanent injury by the use thereof. The director of the division shall establish a procedure whereby a claim for compensation may be reactivated after settlement of such claim is completed. The claim shall be reactivated only after the claimant can show good cause

for the reactivation of this claim and the claim shall be made only for the payment of medical procedures involving life-threatening surgical procedures or if the claimant requires the use of a new, or the modification, alteration or exchange of an existing, prosthetic device. For the purpose of this subsection, "life threatening" shall mean a situation or condition which, if not treated immediately, will likely result in the death of the injured worker.

9. Nothing in this chapter shall prevent an employee being provided treatment for his injuries by prayer or spiritual means if the employer does not object to the treatment.

10. The employer shall have the right to select the licensed treating physician, surgeon, chiropractic physician, or other health care provider **providing a list of authorized providers from which the employee may choose consisting of at least twenty-five physicians, surgeons, or other health care providers authorized to provide treatment**; provided, however, that such physicians, surgeons or other health care providers shall offer only those services authorized within the scope of their licenses. For the purpose of this subsection, subsection 2 of section 287.030 shall not apply.

11. Any physician or other health care provider who orders, directs or refers a patient for treatment, testing, therapy or rehabilitation at any institution or facility shall, at or prior to the time of the referral, disclose in writing if such health care provider, any of his partners or his employer has a financial interest in the institution or facility to which the patient is being referred, to the following:

- (1) The patient;
- (2) The employer of the patient with workers' compensation liability for the injury or disease being treated;
- (3) The workers' compensation insurer of such employer; and
- (4) The workers' compensation adjusting company for such insurer.

12. Violation of subsection 11 of this section is a class A misdemeanor.

13. (1) No hospital, physician or other health care provider, other than a hospital, physician or health care provider selected by the employee at his own expense pursuant to subsection 1 of this section, shall bill or attempt to collect any fee or any portion of a fee for services rendered to an employee due to a work-related injury or report to any credit reporting agency any failure of the employee to make such payment, when an injury covered by this chapter has occurred and such hospital, physician or health care provider has received actual notice given in writing by the employee, the employer or the employer's insurer. Actual notice shall be deemed received by the hospital, physician or health care provider five days after mailing by certified mail by the employer or insurer to the hospital, physician or health care provider.

(2) The notice shall include:

- (a) The name of the employer;
- (b) The name of the insurer, if known;
- (c) The name of the employee receiving the services;
- (d) The general nature of the injury, if known; and
- (e) Where a claim has been filed, the claim number, if known.

(3) When an injury is found to be noncompensable under this chapter, the hospital, physician or other health care provider shall be entitled to pursue the employee for any unpaid portion of the fee or other charges for authorized services provided to the employee. Any applicable statute of limitations for an action for such fees or other charges shall be tolled from the time notice is given to the division by a hospital, physician or other health care provider pursuant to subdivision (6) of this subsection, until a determination of noncompensability in regard to the injury which

is the basis of such services is made, or in the event there is an appeal to the labor and industrial relations commission, until a decision is rendered by that commission.

(4) If a hospital, physician or other health care provider or a debt collector on behalf of such hospital, physician or other health care provider pursues any action to collect from an employee after such notice is properly given, the employee shall have a cause of action against the hospital, physician or other health care provider for actual damages sustained plus up to one thousand dollars in additional damages, costs and reasonable attorney's fees.

(5) If an employer or insurer fails to make payment for authorized services provided to the employee by a hospital, physician or other health care provider pursuant to this chapter, the hospital, physician or other health care provider may proceed pursuant to subsection 4 of this section with a dispute against the employer or insurer for any fees or other charges for services provided.

(6) A hospital, physician or other health care provider whose services have been authorized in advance by the employer or insurer may give notice to the division of any claim for fees or other charges for services provided for a work-related injury that is covered by this chapter, with copies of the notice to the employee, employer and the employer's insurer. Where such notice has been filed, the administrative law judge may order direct payment from the proceeds of any settlement or award to the hospital, physician or other health care provider for such fees as are determined by the division. The notice shall be on a form prescribed by the division."; and

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			
Absent--Senators			
Bland	Dolan	Klindt	Stoll--4
Absent with leave--Senator DePasco--1			

SA 2 was again taken up.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Days, Kennedy, Mathewson and Shields.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler

Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	Absent--Senator Quick--1		
	Absent with leave--Senator DePasco--1		

President Maxwell assumed the Chair.

Senator Wheeler moved that **SA 2** be adopted, which motion failed by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Quick	Steelman
Stoll	Wheeler--14		
	NAYS--Senators		
Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Vogel	Yeckel--18		
	Absent--Senator Childers--1		
	Absent with leave--Senator DePasco--1		

A quorum was established by the following vote:

	Present--Senators		
Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	Absent--Senators		
Bartle	Days	Dolan	Scott--4
	Absent with leave--Senator DePasco--1		

Senator Shields assumed the Chair.

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Shields	Steelman
Stoll		Yeckel--26	
	Absent--Senators		

Bray	Days	Goode	Russell
Scott	Vogel	Wheeler--7	
	Absent with leave--Senator DePasco--1		

Senator Coleman offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Section 286.020, Page 2, Line 17, by inserting at the end of the line the following:

"287.010. This chapter shall be known as "The [Workers' Compensation] **Employers' Limited Liability Protection Law**"."; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Bray, Caskey and Dougherty.

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Quick	Stoll	Wheeler--12
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
	Absent--Senator Mathewson--1		
	Absent with leave--Senator DePasco--1		

Senator Bray offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 13, Section 287.120, Line 5, by inserting after all of said line the following:

"287.128. 1. It shall be unlawful for any person [to] **including an insurance carrier, employer, or agents and employees thereof to:**

- (1) Knowingly present or cause to be presented any false or fraudulent claim **or defense to a claim** for the payment of benefits pursuant to a workers' compensation claim;
- (2) Knowingly present multiple claims for the same occurrence with intent to defraud;
- (3) Purposefully prepare, make or subscribe to any writing with intent to present or use the same, or to allow it to be presented in support of any false or fraudulent claim **or defense to a claim**;
- (4) Knowingly assist, abet, solicit or conspire with:

- (a) Any person who knowingly presents any false or fraudulent claim for the payment of benefits;
- (b) Any person who knowingly presents multiple claims for the same occurrence with an intent to defraud; or
- (c) Any person who purposefully prepares, makes or subscribes to any writing with the intent to present or use the same, or to allow it to be presented in support of any such claim **or defense to a claim**;
- (5) Knowingly make or cause to be made any false or fraudulent claim **or defense to a claim** for payment of a health care benefit;
- (6) Knowingly submit a claim for a health care benefit which was not used by, or on behalf of, the claimant;
- (7) Knowingly present multiple claims for payment of the same health care benefit with an intent to defraud;
- (8) Knowingly make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining or denying any benefit;
- (9) Knowingly make or cause to be made any false or fraudulent statements with regard to entitlement to benefits with the intent to discourage an injured worker from making a legitimate claim
- (10) Knowing make or cause to be made a false or fraudulent material statement to an investigator of the division in the course of the investigation of fraud or noncompliance.**

For the purposes of subdivisions (8) and (9) of this subsection, the term "statement" includes any notice, proof of injury, bill for services, payment for services, hospital or doctor records, X ray or test results.

2. It shall be unlawful for any insurance company or self-insurer in this state to:

- (1) Intentionally refuse to comply with known and legally indisputable compensation obligations;
- (2) Discharge or administer compensation obligations in a dishonest manner; and
- (3) Discharge or administer compensation obligations in such a manner as to cause injury to the public or those persons dealing with the employer or insurer.

3. Any person violating any of the provisions of subsections 1 and 2 of this section or section 287.129, shall be guilty of a class A misdemeanor and, in addition, shall be liable to the state of Missouri for a fine not to exceed ten thousand dollars or double the value of the fraud whichever is greater. Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of subsections 1 and 2 of this section or the provisions of section 287.129 and who subsequently violates any of the provisions of subsections 1 and 2 of this section or the provisions of section 287.129 shall be guilty of a class D felony.

4. Any person who knowingly misrepresents any fact in order to obtain workers' compensation insurance at less than the proper rate for that insurance shall be guilty of a class A misdemeanor. Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of this section or the provisions of section 287.129 and who subsequently violates any of the provisions of this section or the provisions of section 287.129 shall be guilty of a class D felony.

5. Any employer failing to insure his liability pursuant to this chapter shall be guilty of a class A misdemeanor and, in addition, shall be liable to the state of Missouri for a penalty in an amount equal to twice the annual premium the employer would have paid had such employer been insured or twenty-five thousand dollars, whichever amount is greater. Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of

this section or the provisions of section 287.129 and who subsequently violates any of the provisions of this section or the provisions of section 287.129 shall be guilty of a class D felony.

6. Any person may file a complaint alleging fraud or noncompliance with this chapter with a legal advisor in the division of workers' compensation. The legal advisor shall refer the complaint to the fraud and noncompliance unit within the division. The unit shall investigate all complaints and present any finding of fraud or noncompliance to the director, who may refer the file to the attorney general. The attorney general may prosecute any fraud or noncompliance associated with this chapter. All costs incurred by the attorney general associated with any investigation and prosecution pursuant to this subsection shall be paid out of the workers' compensation fund. Any fines or penalties levied and received as a result of any prosecution under this section shall be paid to the workers' compensation fund. Any restitution ordered as a part of the judgment shall be paid to the person or persons who were defrauded.

7. There is hereby established in the division of workers' compensation a fraud and noncompliance administrative unit responsible for investigating incidences of fraud and failure to comply with the provisions of this chapter."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Days, Dougherty, Kennedy and Stoll.

SA 4 was adopted by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Wheeler	Yeckel--30		
	NAYS--Senators		
Bartle	Vogel--2		
	Absent--Senator Mathewson--1		
	Absent with leave--Senator DePasco--1		

Senator Dolan offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 7, Section 287.062, Line 16, by inserting after the word "tract" the following: ", **hypertension, hypotension,**" and further amend said bill, page, section, line 20, by inserting after the word "gases" the following: "**carcinogens,**" and further amend said bill, page, section and line by inserting after the word "oxygen," the following "**or psychological stress**" and further amend said bill, page, section, lines 22-23 by striking all of said lines and insert in lieu thereof the following: "**causal relationship is established.**".

Senator Dolan moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 7, Section 287.062, Line 16, by inserting after the word "tract" the following: ", **hypertension, hypotension,**" and further amend said bill, page, section, line 20, by inserting after the word "gases" the following: "**carcinogens,**" and further amend said bill, page, section and line by inserting after the word "oxygen," the following "**or psychological stress**" and further amend said bill, page, section, lines 22-23 by striking all of said lines and insert in lieu thereof the following: "**causal relationship is established. As long as a direct causal relationship pursuant to the standards set forth in 287.020 is met.**".

Senator Loudon moved that the above substitute amendment be adopted.

At the request of Senator Loudon, **SSA 1** for **SA 5** was withdrawn.

SA 5 was again taken up.

At the request of Senator Dolan, the above amendment was withdrawn.

A quorum was established by the following vote:

Present--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	

Absent--Senators

Bland	Bray	Goode	Jacob
Klindt	Scott--6		

Absent with leave--Senator DePasco--1

Senator Gross assumed the Chair.

Senator Caskey offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 321, Page 3, Section 287.020, Line 7, by inserting after "commission." the following: "**The word "employee" shall not include any individual whose employer performs abortions as defined in section 188.015, RSMo.**".

Senator Caskey moved that the above amendment be adopted.

Senator Shields assumed the Chair.

Senator Caskey offered **SSA 1** for **SA 6**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill

No. 321, Page 9, Section 287.067, Line 20, by inserting after said line:

"8. Physicians performing abortions for any purpose whatsoever and persons providing services for physicians who are performing abortions for any purpose whatsoever shall not be entitled to workers compensation benefits."

Senator Caskey moved that the above substitute amendment be adopted.

At the request of Senator Caskey, **SSA 1** for **SA 6** was withdrawn.

At the request of Senator Caskey, **SA 6** was withdrawn.

At the request of Senator Loudon, **HS** for **HCS** for **HB 321**, with **SS** and **SS** for **SS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 327**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 522**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 330**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 293**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 592**, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **SCS** for **SB 562**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 370**, entitled:

An Act to repeal sections 44.090 and 190.243, RSMo, and to enact in lieu thereof two new sections relating to emergency mutual-aid agreements.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 295**, entitled:

An Act to repeal sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, 140.420, and 140.440, RSMo, and to enact in lieu thereof fifteen new sections relating to delinquent taxes.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 281**, entitled:

An Act to repeal sections 49.370 and 49.380, RSMo, and to enact in lieu thereof one new section relating to county property.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 275**, entitled:

An Act to repeal section 2, as enacted by senate bill no. 1168, ninety-first general assembly, second regular session, section 2, as enacted by senate committee substitute for house bill no. 1811, ninety-first general assembly, second regular session, and section 3, as enacted by senate bill no. 1041, ninety-first general assembly, second regular session relating to conveyance of property owned by the state, and to authorize the conveyance of property owned by the state in the county of Cole to the Missouri state penitentiary redevelopment commission.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 212** and **220**, entitled:

An Act to repeal sections 43.080, 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.690, 86.720, and 86.745, RSMo, and to enact in lieu thereof eighteen new sections relating to law enforcement.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 7**, entitled:

An Act to authorize the governor to convey land owned by the state in the county of Pettis.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 529**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 534**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 108**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 666**, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to intra-school district transfer policies.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 399**, entitled:

An Act to repeal section 217.360, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of controlled substances in city or county jails, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 136**, entitled:

An Act to repeal sections 77.070, 115.127, and 162.301, RSMo, and to enact in lieu thereof three new sections relating to elections.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 492**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 61**, entitled:

An Act to repeal section 59.480, RSMo, and to enact in lieu thereof two new sections relating to restrictions on use of personal identifying information, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 618**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 101**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to violations of county ordinances.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 401**, entitled:

An Act to repeal sections 595.010 and 595.045, RSMo, and to enact in lieu thereof two new sections relating to crime victim compensation, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 448**, entitled:

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to the statewide court automation fund, with penalty provisions and an expiration date.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 465**, entitled:

An Act to repeal sections 50.640 and 477.600, RSMo, and to enact in lieu thereof two new sections relating to the judicial finance commission.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 506**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 621**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 611**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 504**, entitled:

An Act to repeal section 135.207, RSMo, and to enact in lieu thereof one new section relating to satellite enterprise zones.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 470**, entitled:

An Act to repeal sections 511.350, 511.510, 513.475, 517.141, and 517.151, RSMo, and to enact in lieu thereof three new sections relating to liens on real estate.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HCS** for **SB 474**, entitled:

An Act to repeal sections 488.426 and 488.429, RSMo, and to enact in lieu thereof two new sections relating to surcharges in civil case filings.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 468**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 468, by inserting all of the following after line 40 on Page 2:

"Section A. Section 43.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 43.080, to read as follows:

43.080. The superintendent is authorized and empowered to prescribe policies providing for increases [every five years] in the salaries of [such] members [beginning with the sixth year of service, and thereafter to fix the salaries of such members in accordance therewith, except that no such five-year increase shall exceed ten percent of the member's salary] **of the highway patrol. Each year, prior to January first, the superintendent shall submit a salary schedule report to the governor, speaker of the house of representatives, and the president pro tem of the senate. The salary schedule report prepared by the superintendent shall include, in addition to other matters deemed pertinent to the superintendent, a comparison of the salaries of police officers of the three largest police departments in the state. The governor may make additional recommendations to the report and forward them to the speaker of the house of representatives and the president pro tem of the senate. The speaker of the house of representatives and the president pro tem of the senate may assign the salary schedule report to the appropriate standing committees to review the salary comparisons to ensure that parity in the salary of members of the highway patrol and officers of the three largest police departments is maintained.** The "service" of a member of the patrol, who has served in the armed forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the armed forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the armed forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such member voluntarily extends or participates in an extension of the period of service, whether by reenlistment, waiver of discharge, acceptance of commission or any other action, with the armed forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 301**, entitled:

An Act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed to repair lateral sewer service lines.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 547**, entitled:

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof two new sections relating to compensation for certain county treasurers.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 355**, entitled:

An Act to repeal sections 194.220 and 301.020, RSMo, and to enact in lieu thereof two new sections relating to the organ donor program, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 423**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 423, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"To amend chapter 227, RSMo, by adding thereto two new sections relating to designation of certain highways."; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Chapter 227, RSMo, is amended by adding thereto two new sections, to be known as sections 227.331 and 227.343, to read as follows:"; and

Further amend said bill, Page 1, Section 227.331, Line 5, by inserting after all of said line the following:

"227.343. The portion of state route 19 from New London, Missouri, southwest to its intersection with state route 154, then west to Perry, Missouri, all located within a county of the third classification without a township form of government and with more than nine thousand five hundred fifty but less than nine thousand six hundred fifty inhabitants, shall be designated "The Short Line Railroad Spur Historic Trail"."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 651**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 623**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 63**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 606**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 425**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 321**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 317**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 325**, entitled:

An Act to repeal sections 59.480, 59.490, and 160.360, RSMo, and to enact in lieu thereof three new sections relating to military affairs.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 431**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 203**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 471**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 548**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS No. 2** for **SB 224**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 288**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 143**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 351**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **SB 457**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 120**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 121**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 122**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 238**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 513**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 376**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 456**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 269**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 537**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 207**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 250**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 356**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 546**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 202**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **SB 467**.

Bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

W. Dale Finke, Republican, 12 Harbor View Drive, Lake St. Louis, St. Charles County, Missouri 63367, as a member of the St. Charles County Convention & Sports Facilities Authority, for a term ending April 27, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ken H. Keesaman, Democrat, 3803 Southwest Rogers Road, Osborn, DeKalb County, Missouri 64474, as a member of the State Fair Commission, for a term ending December 29, 2005, and until his successor is duly appointed and qualified; vice, Ida Cox, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jane B. Klieve, Republican, 12500 Darien Drive, St. Louis, St. Louis County, Missouri 63141, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2005, and until her successor is duly appointed and qualified; vice, John Wilson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Raeanne E. Presley, Republican, 404 Judy Street, Branson, Taney County, Missouri 65616, as a member of the Tourism Commission, for a term ending January 15, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert L. Robinson, Jr., Democrat, 708 Belair Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Probation and Parole, for a term ending April 25, 2009, and until his successor is duly appointed and qualified; vice, Richard Lee, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marcia D. Shadel, Republican, 614 Harris Lane, Lebanon, Laclede County, Missouri 65536, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 751, regarding Kristyl S. McBee, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 752, regarding Paul Motske, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 753, regarding Emily Kay Stock, St. Joseph, which was adopted.

Senator Quick offered Senate Resolution No. 754, regarding Wesley Greenblatt, Kearney, which was adopted.

Senator Cauthorn offered Senate Resolution No. 755, regarding the One Hundredth Birthday of Leilla Ida Bail, which was adopted.

Senator Bland offered Senate Resolution No. 756, regarding Dr. Gertrude Hooker Keith, Kansas City, which was

adopted.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, twenty-eight fourth grade students and adults from Virginia E. George Elementary School, Albany.

Senator Foster introduced to the Senate, the Physician of the Day, Dr. Kirby Turner, M.D., Poplar Bluff.

Senator Foster introduced to the Senate, Ben Counce, and students from Caruthersville Middle School, Caruthersville; and Jimmy Lyons, Nick Vaughn, Kayla Lunbeck, Brittany Fonda, and

Simona Stewart were made honorary pages.

Senator Quick introduced to the Senate, Girl Scout Troop 1934, Liberty.

Senator Dolan introduced to the Senate, Richard and Peggy Smith, St. Peters.

Senator Kinder introduced to the Senate, Barbara Biemann, Markus Zeidler, Norbert Tinnefeld, and Thorsten Bachmann, representing ARD-TV, Germany.

Senator Klindt introduced to the Senate, thirteen fourth grade students and adults from Southwest R-I School, Ludlow.

Senator Scott introduced to the Senate, fourth grade students from Long Lane School, Long Lane.

Senator Coleman introduced to the Senate, Arooj Ajaz, Daniel Burcham, Zakeriah Miles, Caleb Thompson, Brittany Brunetta, Allyson Chipley, Jelynn Louis, Joanna Majcherczyk, Allison Guerra, Michelle Beehner, Akash Sookun, Ashley Yount, and Blake Werner, students from Central Institute for the Deaf Middle School, St. Louis; and Blake was made an honorary page.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Friday, April 25, 2003.

SENATE CALENDAR

SIXTIETH DAY-FRIDAY, APRIL 25, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 27-Gibbons, with SCS
2. SB 209-Steelman, et al,
with SCS
3. SB 685-Gibbons, et al, with SCS
4. SB 455-Dougherty and Shields
5. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS
6. SB 446-Bartle, with SCS
7. SB 242-Yeckel, with SCA 1
8. SBs 415, 88, 200, 223, 413,
523, 589 & 626-Yeckel,
with SCS
9. SB 564-Gross
10. SB 236-DePasco and Loudon
11. SB 458-Childers
12. SBs 312, 49, 111, 113, 191,
206, 263, 404, 409, 418, 538,
550 & 584-Dolan, et al, with SCS
13. SB 485-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 289, with SCS

(Steelman)

HS for HCS for HBs 349,

120, 136 & 328-Crawford

(Caskey)

HCS for HB 600, with SCS

(Shields)

HS for HB 511-Deeken, with

SCS (Yeckel)

HB 444-Jackson, with SCS

(Yeckel)

HB 208-Engler, et al, with SCS

(Kinder)

HB 286-Bearden, with SCS

(Shields)

HCS for HB 144, with SCS (Vogel)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 217-Champion and

Clemens, with SS (pending)

SB 241-Yeckel, with SCS

SBs 248, 100, 118, 233, 247,

341 & 420-Gross, et al, with

SCS & SS for SCS (pending)

SB 253-Steelman, et al, with

SCS, SS for SCS & SA 1

(pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with

SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,

with SCS & SS for SCS

(pending)

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2

(pending)

SB 460-Loudon, with SS &

SA 1 (pending)

SB 476-Jacob

SB 693-Klindt, et al, with SCS

SB 695-Goode and Russell

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HCS for HBs 122 & 80 (Bland)

HS for HCS for HB 321-

Wilson (130), with SS

& SS for SS (pending) (Loudon)

HCS for HB 390, with SCS

(Cauthorn)

HB 412-Goodman, et al (Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and

Parker (Dolan)

HB 292-Wagner (Stoll)

HB 358-Boykins (Coleman)

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al,

with SCS (Childers)

HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer (Bartle)

Reported 4/14

HCS for HB 93 (Childers)

HCS for HB 97 (Stoll)

HB 199-Jolly, et al (Wheeler)

HB 244-Baker, et al (Caskey)

HB 307-Merideth and

Shoemaker (Foster)

HCS for HB 318 (Caskey)

HB 326-Wagner, et al (Stoll)

HB 351-Quinn, et al (Klindt)

HB 375-Cooper (120)

(Scott)

HB 463-King, et al (Caskey)

HCS for HB 472 (Bartle)

HB 552-Kingery, with SCS

(Foster)

HB 574-Jackson and Selby

(Griesheimer)

HB 594-Emery, et al (Nodler)

HB 512-Cooper (120), et al,

with SCS (Bartle)

HB 464-King, et al (Klindt)

HB 477-Moore, et al (Shields)

HB 440-Portwood (Steelman)

HB 376-Cooper (120) (Caskey)

HCS for HB 332 (Steelman)

HCS for HB 202 (Steelman)

HCS for HBs 59 & 269,

with SCS (Shields)

HB 597-Schlottach, et al

(Dolan)

HCS for HB 245 (Clemens)

HB 162-Shoemaker (Cauthorn)

HB 261-Whorton, et al (Klindt)

HB 249-Seigfreid (Mathewson)

HB 247-Ward, et al (Kennedy)

HCS for HB 392, with SCS

(Griesheimer)

HB 505-Byrd and Villa,

with SCS (Mathewson)

HB 57-Riback Wilson, with

SCS (Jacob)

HB 60-Sutherland, with SCS

(Griesheimer)

HB 465-Hanaway, et al (Kinder)

Reported 4/15

HB 388-Riback Wilson, et al

(Jacob)

HCS for HB 253 (Mathewson)

HCS for HB 394, with SCA 1

(Caskey)

HCS for HB 427, with SCS

(Bartle)

HB 430-Stevenson, et al (Caskey)

HB 599-Burnett, et al (Wheeler)

HCS for HB 613, with SCS

(Bartle)

HCS for HBs 152 & 180,

with SCS (Bartle)

HCS for HBs 348 & 347

(Griesheimer)

HCS for HB 131 (Griesheimer)

HB 254-Byrd (Klindt)

HB 553-Smith (14) (Gross)

HB 523-Dusenberg, et al (Vogel)

HCS for HB 575, with SCS

(Foster)

HB 75-Ruestman, et al (Childers)

HB 187-Cooper (120) and

Davis (122) (Dolan)

HCS for HB 371, with SCS

(Dolan)

HB 478-Moore, et al (Yeckel)

HCS for HB 493 (Dolan)

HB 491-Rupp, et al, with SCS

(Dolan)

HCS for HB 356 (Scott)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 4-Caskey and Russell,

with HCA 1

SCS for SB 7-Mathewson, with

HCS

SCS for SB 16-Childers, with HCS

SCS#2 for SB 52-Shields,

with HCS

SCS for SB 61-Caskey, with HCS

SB 68-Childers, with HCS

SB 101-Caskey, with HCS

SCS for SB 130-Gross and Dolan,

with HCS

SB 136-Goode, with HCS

SB 175-Loudon, with HCS

SB 186-Cauthorn, with HCS

SCS for SBs 212 & 220-Bartle,

with HCS

SCS for SB 218-Goode, et al,

with HCS

SB 228-Griesheimer, with HCS

SB 266-Shields and Kennedy,

with HCS

SB 275-Russell, with HCS

SCS for SB 281-Shields, with

HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 295-Shields, with

HCS

SCS for SB 296-Griesheimer,

with HS for HCS, as amended

SCS for SBs 299 & 40-Champion,

et al, with HS, as amended

SB 301-Bray, with HCS

SB 325-Steelman, with HCS

SB 355-Stoll, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 373-Bartle, with HCS

SCS for SB 379-Champion,

with HCS

SB 394-Bartle, with HCS,

as amended

SB 399-Caskey, with HCS

SB 401-Dolan, et al, with HCS

SB 407-Klindt, with HCS

SB 423-Childers, with HCA 1

SCS for SB 447-Bartle, with HCA 1

SB 448-Bartle, with HCS

SB 465-Bartle, with HCS

SB 468-Bartle, with HCA 1

SB 470-Bartle, with HCS

SB 474-Bartle, with HCS

SB 504-Clemens and Champion,
with HCS

SCS for SB 547-Caskey, with HCS

SB 552-Yeckel, with HCS

SCS for SB 592-Foster, with HCS

SCS for SB 666-Bland, with HCS

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 3-Loudon

SCR 11-Steelman

(In Fiscal Oversight)

SCR 14-Dolan and Kinder

SCR 16-Goode, et al

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY--FRIDAY, APRIL 25, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"So acknowledge today and take to heart that the Lord is God in heaven above and on the earth beneath; there is no other." (Deuteronomy 4:39)

Heavenly Father, may we remember and live our lives knowing that during the most difficult times You are our God. May we return to our families after our work is done for this week and share the joy, peace, love and abundance that comes to us from You, being confident in Your omnipotent presence. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 757, regarding Joe Webster, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 758, regarding Bill Green, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 759, regarding Robert Schuette, St. Charles, which was adopted.

Senator Bray offered Senate Resolution No. 760, regarding the Seventieth Birthday of Kay Drey, University City,

which was adopted.

Senator Bray offered Senate Resolution No. 761, regarding Registered Nurses at Saint John's Mercy Medical Center, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 762, regarding Jerome Bernard "Jay" Morris, University City, which was adopted.

Senator Champion offered Senate Resolution No. 763, regarding Luke Allen Gruening, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 764, regarding Michelle Houston, Ozark, which was adopted.

Senator Champion offered Senate Resolution No. 765, regarding Stacy Johnston, Piedmont, which was adopted.

Senator Champion offered Senate Resolution No. 766, regarding Samantha "Sam" Keeton, Monett, which was adopted.

Senator Champion offered Senate Resolution No. 767, regarding Laura Louderback, Ash Grove, which was adopted.

Senator Champion offered Senate Resolution No. 768, regarding Amanda Keever, Eagle Rock, which was adopted.

Senator Champion offered Senate Resolution No. 769, regarding Sina Klein, Mount Vernon, which was adopted.

Senator Champion offered Senate Resolution No. 770, regarding Kellie Kramer, Mountain Grove, which was adopted.

Senator Champion offered Senate Resolution No. 771, regarding Jenifer Rosselit, Ozark, which was adopted.

Senator Champion offered Senate Resolution No. 772, regarding Katie Robertson, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 773, regarding Pamela Kelly, Rolla, which was adopted.

Senator Champion offered Senate Resolution No. 774, regarding Johnna Webb, Mountain Grove, which was adopted.

Senator Champion offered Senate Resolution No. 775, regarding Ashley Thiesen, Buffalo, which was adopted.

Senator Champion offered Senate Resolution No. 776, regarding Brynn Hammond, Buffalo, which was adopted.

Senator Champion offered Senate Resolution No. 777, regarding Theresa Botzow, Monett, which was adopted.

Senator Champion offered Senate Resolution No. 778, regarding Sarah Greenough, Ozark, which was adopted.

Senator Champion offered Senate Resolution No. 779, regarding Ashley Na'ayem, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 780, regarding Kay Geter, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 781, regarding April Cooper, Buffalo, which was adopted.

Senator Champion offered Senate Resolution No. 782, regarding Kelbe Hollrah, Ava, which was adopted.

CONCURRENT RESOLUTIONS

Senators Cauthorn, Clemens, Scott, Childers, Steelman, Mathewson, Klindt and Russell offered the following concurrent resolution:

WHEREAS, Missouri's dairy industry has dramatically changed over the past three decades; and

WHEREAS, the number of dairy farms has declined by 83% and state milk production has dropped by 35% since 1975; and

WHEREAS, neighboring states around Missouri are making tremendous advances to expand their dairy industry and have found solutions in spite of state budget shortfalls; and

WHEREAS, the Missouri Dairy Growth Council has developed a "Dairy Producers' Industry Plan" that emphasizes necessary changes for expanding Missouri's dairy industry including:

- (1) Enhancing Missouri dairy operations by providing producer education and training;
- (2) Focusing on business planning, financial benchmarking, employee training and management and risk management can lead to successful dairy enterprises;
- (3) Creating a business climate that promotes growth and investment in Missouri dairies will result in the long-term health and expansion of the Missouri dairy industry;
- (4) Expanding access to capital for dairy modernization, creation, and expansion is essential to the success of the dairies in Missouri; and
- (5) Providing a strong organizational and communications infrastructure to ensure long-term success for dairy producers; and

WHEREAS, the time is right to bring back the dairy industry in Missouri and reverse the downward trends:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby endorse the recommendations of the Missouri Dairy Growth Council; and

BE IT FURTHER RESOLVED that Missouri's Department of Agriculture work in cooperation with the Missouri Dairy Growth Council to complete a five-year plan for Missouri's dairy industry including the establishment of a website for the marketing of all dairy production inputs; and

BE IT FURTHER RESOLVED the Department of Natural Resources reach an agreement with the dairy industry on what are required and acceptable regulations for dairy and heifer growing operations; and

BE IT FURTHER RESOLVED the Department of Economic Development receive a detailed briefing on the economic impact of Missouri dairy operations.

SENATE BILLS FOR PERFECTION

Senator Jacob moved that **SB 305**, with **SS** and point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Bartle, the pending point of order was withdrawn.

SS for **SB 305** was again taken up.

At the request of Senator Jacob, **SS** for **SB 305** was withdrawn.

Senator Jacob offered **SS No. 2** for **SB 305**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 305

An Act to repeal sections 143.011, 143.431, 143.451, 143.461, 143.471, 144.020, 149.015, and 149.160, RSMo, and to enact in lieu thereof six new sections relating to taxation, with a referendum clause.

Senator Jacob moved that **SS No. 2** for **SB 305** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Goode, Stoll and Wheeler.

Senator Jacob offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 305, Page 17, Section 149.160, Line 4, by inserting after all of said line the following:

"Section 1. 1. The department of revenue shall not be authorized to collect the additional 27 and ½ mills tax or the additional ten percent tax pursuant to the authority granted in sections 149.015 and 149.160 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 2003, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri department of revenue be authorized to increase the state cigarette tax by 55 cents per pack and the tobacco tax on items other than cigarettes by 10%?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of the director of revenue shall be authorized to collect the additional 27 and ½ mills tax and the additional ten percent tax shall be effective on the first day of the first quarter after the approval by ballot. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the department of revenue shall have no power to collect the taxes unless and until the measure is approved."; and

Further amend section B, page 24, lines 26-35, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob moved that **SS No. 2** for **SB 305**, as amended, be adopted, which motion failed by the following vote:

YEAS--Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			

NAYS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20

Absent--Senators--None

SB 305 was again taken up.

On motion of Senator Jacob, **SB 305** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HCS for **HB 289**, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HBs 349, 120, 136, and 328**, was placed on the Informal Calendar.

HCS for **HB 600**, with **SCS**, entitled:

An Act to repeal sections 34.040, 143.124, 143.181, 143.225, 143.782, 144.025, and 144.081, RSMo, and to enact in lieu thereof eleven new sections relating to collection efficiencies of the department of revenue, with an emergency clause.

Was taken up by Senator Shields.

SCS for **HCS** for **HB 600**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 600

An Act to repeal sections 34.040, 71.620, 92.250, 143.124, 143.181, 143.225, 143.782, 144.020, and 144.081, RSMo, and to enact in lieu thereof fourteen new sections relating to collection efficiencies of the department of revenue, with an emergency clause and a referendum clause.

Was taken up.

Senator Shields moved that **SCS** for **HCS** for **HB 600** be adopted.

Senator Shields offered **SS** for **SCS** for **HCS** for **HB 600**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 600

An Act to repeal sections 32.057, 33.080, 34.040, 67.990, 71.620, 92.250, 99.820, 143.124, 143.181, 143.225, 143.782, 144.025, 144.081, 144.250, 166.300, 191.831, 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, 196.445, 208.565, 301.130, 301.190, 302.304, 302.540, 306.016, 338.501, 338.515, 338.520, 338.525, 338.545, 338.550, 374.150, 447.510, 577.041, 577.049, and 577.520, RSMo, and to enact in lieu thereof sixty-one new sections relating to tax and fee revenue, with penalty provisions and an emergency clause.

Senator Shields moved that **SS** for **SCS** for **HCS** for **HB 600** be adopted.

Senator Bartle assumed the Chair.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 73, Section 208.565, Line 24 of said page, by inserting after all of said line the following:

"260.273. 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee.

3. The department of revenue shall administer, collect and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection and enforcement of the general state sales and use tax imposed pursuant to chapter 144, RSMo, except as provided in this section. The proceeds of the new tire fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into an appropriate subaccount of the solid waste management fund, created pursuant to section 260.330.

4. Up to five percent of the revenue available may be allocated, upon appropriation, to the department of natural resources to be used cooperatively with the department of elementary and secondary education for the purposes of developing educational programs and curriculum pursuant to section 260.342.

5. Up to twenty-five percent of the moneys received pursuant to this section may, upon appropriation, be used to administer the programs imposed by this section. Up to five percent of the moneys received under this section may, upon appropriation, be used for the grants authorized in subdivision (2) of subsection 6 of this section and authorized in section 260.274. All remaining moneys shall be allocated, upon appropriation, for the projects authorized in section 260.276.

6. The department shall promulgate, by rule, a statewide plan for the use of moneys received pursuant to this section to accomplish the following:

(1) Removal of waste tires from illegal tire dumps;

(2) Providing grants to persons that will use products derived from waste tires, or used waste tires as a fuel or fuel supplement; and

(3) Resource recovery activities conducted by the department pursuant to section 260.276.

7. The fee imposed in subsection 2 of this section shall terminate January 1, [2004] **2009**.

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 9, Section 33.080, Lines 21-22, by deleting all of said lines and renumber the remaining subdivisions accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 121, Section 2, Line 11, by inserting immediately after said line the following:

"Section 3. All unclaimed funds held pursuant to section 447.510, RSMo, which have been identified as owed to a person who also has failed to pay state or local taxes within the time permitted by statute shall be used to satisfy that person's delinquent taxes to state or local government."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 14, Section 33.080, Lines 17-18, by striking all of said lines; and

Further amend said page, lines 25-26, by striking all of said lines; and

Further renumber the remaining subdivisions accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Dougherty offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 11, Section 33.080, Line 29, by striking all of said lines; and

Further amend page 12, line 1, by striking all of said line; and

Further amend page 13, lines 26-27, by striking all of said lines; and

Further amend page 15, lines 27-28, by striking all of said lines; and

Further renumber the remaining subdivisions.

Senator Dougherty moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 5** and was joined in his request by Senators Bland, Caskey, Days and Dougherty.

SA 5 was adopted by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Goode
Jacob	Kennedy	Mathewson	Quick
Russell	Steelman	Stoll	Wheeler--20
NAYS--Senators			
Bartle	Cauthorn	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Scott	Shields	Vogel
Yeckel--13			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

Senator Caskey offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Pages 73-78, Section 301.130, Line 25, by deleting section 301.130; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 104, Section 374.150.3, Line 14, by deleting lines 14-17 and inserting in lieu thereof the following:

"Notwithstanding the provisions of this section to the contrary, as of the effective date of this act, all moneys in the department of insurance dedicated fund except for an amount equal to one-half the preceding year's annual appropriation shall be subject to an immediate one-time transfer to the state general revenue fund."

Senator Mathewson moved that the above amendment be adopted.

Senator Childers assumed the Chair.

Senator Shields offered **SSA 1** for **SA 7**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 104, Section 374.150, Line 15, by striking the word "all" and inserting in lieu thereof the following: "**seventy-five percent of the**".

Senator Shields moved that the above substitute amendment be adopted.

Senator Gross assumed the Chair.

At the request of Senator Shields, **HCS** for **HB 600**, with **SCS**, **SS** for **SCS**, **SA 7** and **SSA 1** for **SA 7** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 783, regarding McGraw Milhaven, St. Louis, which was adopted.

Senator Klindt offered Senate Resolution No. 784, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Quick, Oregon, which was adopted.

Senator Klindt offered Senate Resolution No. 785, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ed Richey, Clarksdale, which was adopted.

Senator Foster offered Senate Resolution No. 786, regarding Thomas Joshua Neal, Poplar Bluff, which was adopted.

Senator Russell offered Senate Resolution No. 787, regarding Dr. Jack Howard, Lebanon, which was adopted.

Senator Vogel offered Senate Resolution No. 788, regarding Louise Uptegrove, Holts Summit, which was adopted.

Senators Vogel and Mathewson offered Senate Resolution No. 789, regarding the Great Rivers Council of the Boy Scouts of America, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Days introduced to the Senate, Abigail and Austin Knaebel, Jefferson City; and Abigail and Austin were made honorary pages.

Senator Bland introduced to the Senate, State Representative Connie LaJoyce Johnson, St. Louis.

Senator Cauthorn introduced to the Senate, Arla and Ken Swanson, Mexico.

Senator Yeckel introduced to the Senate, Marsha and Insley Stiles, and their daughter, Victoria; and Danielle, Kathryn and Jon Mortimer; and Damien Wiley, St. Louis; and Danielle, Kathryn, Jon, Damien, and Victoria were made honorary pages.

Senator Kennedy introduced to the Senate, Rich Lane, Desloge.

On motion of Senator Gibbons, the Senate adjourned until 12:30 p.m., Monday, April 28, 2003.

SENATE CALENDAR

SIXTY-FIRST DAY-MONDAY, APRIL 28, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 27-Gibbons, with SCS
2. SB 209-Steelman, et al,
with SCS
3. SB 685-Gibbons, et al, with
SCS
4. SB 455-Dougherty and Shields
5. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS
6. SB 446-Bartle, with SCS
7. SB 242-Yeckel, with SCA 1
8. SBs 415, 88, 200, 223, 413,
523, 589 & 626-Yeckel, with
SCS

9. SB 564-Gross

10. SB 236-DePasco and Loudon

11. SB 458-Childers

12. SBs 312, 49, 111, 113, 191,

206, 263, 404, 409, 418, 538,

550 & 584-Dolan, et al, with

SCS

13. SB 485-Shields, with SCS

HOUSE BILLS ON THIRD READING

HS for HB 511-Deeken, with

SCS (Yeckel)

HB 444-Jackson, with SCS

(Yeckel)

HB 208-Engler, et al, with SCS

(Kinder)

HB 286-Bearden, with SCS

(Shields)

HCS for HB 144, with SCS

(Vogel)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS & SA 6 (pending)

SB 217-Champion and
Clemens, with SS (pending)

SB 241-Yeckel, with SCS

SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with
SCS & SS for SCS (pending)

SB 253-Steelman, et al,
with SCS, SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,
with SCS & SS for SCS
(pending)

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS,
SS for SCS & SA 2 (pending)

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2

(pending)

SB 460-Loudon, with SS & SA 1

(pending)

SB 476-Jacob

SB 693-Klindt, et al, with SCS

SB 695-Goode and Russell

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HCS for HBs 122 & 80 (Bland)

HCS for HB 289, with SCS

(Steelman)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HS for HCS for HBs 349, 120,

136 & 328-Crawford

(Caskey)

HCS for HB 390, with SCS

(Cauthorn)

HB 412-Goodman, et al

(Childers)

HCS for HB 600, with SCS, SS

for SCS, SA 7 & SSA 1 for

SA 7 (pending) (Shields)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)

HCS for HB 181 (Mathewson)

HCS for HB 277 (Champion)

HB 278-Davis (19) and Parker
(Dolan)

HB 292-Wagner (Stoll)

HB 358-Boykins (Coleman)

HCS for HB 133 (Quick)

HB 99-Seigfreid (Mathewson)

HB 521-Dethrow, et al, with
SCS (Childers)

HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer (Bartle)

Reported 4/14

HCS for HB 93 (Childers)

HCS for HB 97 (Stoll)

HB 199-Jolly, et al (Wheeler)

HB 244-Baker, et al (Caskey)

HB 307-Merideth and

Shoemaker (Foster)

HCS for HB 318 (Caskey)

HB 326-Wagner, et al (Stoll)

HB 351-Quinn, et al (Klindt)

HB 375-Cooper (120) (Scott)

HB 463-King, et al (Caskey)

HCS for HB 472 (Bartle)

HB 552-Kingery, with SCS

(Foster)

HB 574-Jackson and Selby

(Griesheimer)

HB 594-Emery, et al (Nodler)

HB 512-Cooper (120), et al,

with SCS (Bartle)

HB 464-King, et al (Klindt)

HB 477-Moore, et al (Shields)

HB 440-Portwood (Steelman)

HB 376-Cooper (120) (Caskey)

HCS for HB 332 (Steelman)

HCS for HB 202 (Steelman)

HCS for HBs 59 & 269, with

SCS (Shields)

HB 597-Schlottach, et al (Dolan)

HCS for HB 245 (Clemens)

HB 162-Shoemaker (Cauthorn)

HB 261-Whorton, et al (Klindt)

HB 249-Seigfreid (Mathewson)

HB 247-Ward, et al (Kennedy)

HCS for HB 392, with SCS

(Griesheimer)

HB 505-Byrd and Villa, with

SCS (Mathewson)

HB 57-Riback Wilson, with

SCS (Jacob)

HB 60-Sutherland, with SCS

(Griesheimer)

HB 465-Hanaway, et al (Kinder)

Reported 4/15

HB 388-Riback Wilson, et al

(Jacob)

HCS for HB 253 (Mathewson)

HCS for HB 394, with SCA 1

(Caskey)

HCS for HB 427, with SCS

(Bartle)

HB 430-Stevenson, et al (Caskey)

HB 599-Burnett, et al (Wheeler)

HCS for HB 613, with SCS

(Bartle)

HCS for HBs 152 & 180, with

SCS (Bartle)

HCS for HBs 348 & 347

(Griesheimer)

HCS for HB 131 (Griesheimer)

HB 254-Byrd (Klindt)

HB 553-Smith (14) (Gross)

HB 523-Dusenberger, et al (Vogel)

HCS for HB 575, with SCS (Foster)

HB 75-Ruestman, et al (Childers)

HB 187-Cooper (120) and

Davis (122) (Dolan)

HCS for HB 371, with SCS

(Dolan)

HB 478-Moore, et al (Yeckel)

HCS for HB 493 (Dolan)

HB 491-Rupp, et al, with SCS

(Dolan)

HCS for HB 356 (Scott)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 4-Caskey and

Russell, with HCA 1

SCS for SB 7-Mathewson,

with HCS

SCS for SB 16-Childers,

with HCS

SCS#2 for SB 52-Shields,

with HCS

SCS for SB 61-Caskey,

with HCS

SB 68-Childers, with HCS

SB 101-Caskey, with HCS

SCS for SB 130-Gross and

Dolan, with HCS

SB 136-Goode, with HCS

SB 175-Loudon, with HCS

SB 186-Cauthorn, with HCS

SCS for SBs 212 & 220-Bartle,

with HCS

SCS for SB 218-Goode, et al,

with HCS

SB 228-Griesheimer, with HCS

SB 266-Shields and

Kennedy, with HCS

SB 275-Russell, with HCS

SCS for SB 281-Shields, with HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 295-Shields, with HCS

SCS for SB 296-Griesheimer, with

HS for HCS, as amended

SCS for SBs 299 & 40-Champion,

et al, with HS, as amended

SB 301-Bray, with HCS

SB 325-Steelman, with HCS

SB 355-Stoll, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 373-Bartle, with HCS

SCS for SB 379-Champion, with

HCS

SB 394-Bartle, with HCS,

as amended

SB 399-Caskey, with HCS

SB 401-Dolan, et al, with HCS

SB 407-Klindt, with HCS

SB 423-Childers, with HCA 1

SCS for SB 447-Bartle, with HCA 1

SB 448-Bartle, with HCS

SB 465-Bartle, with HCS

SB 468-Bartle, with HCA 1

SB 470-Bartle, with HCS

SB 474-Bartle, with HCS

SB 504-Clemens and Champion,

with HCS

SCS for SB 547-Caskey, with HCS

SB 552-Yeckel, with HCS

SCS for SB 592-Foster, with HCS

SCS for SB 666-Bland, with HCS

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

SCR 21-Cauthorn and

Clemens, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 3-Loudon

SCR 11-Steelman

(In Fiscal Oversight)

SCR 14-Dolan and Kinder

SCR 16-Goode, et al

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY--MONDAY, APRIL 28, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"He is before all things, and in him all things hold together." (Colossians 1:17)

Gracious Lord, You are the creator of all that exists and what we accomplish pales before the glory we find in You. Help us to be mindful that You are the creator and we are Your creation. Moreover, we would ask, help us to live in steadfast faith and make our decisions accordingly. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, April 25, 2003, was read and approved.

Photographers from KOMU-TV, Flamingo Productions, Inc., KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
KlindtLoudon	Mathewson	Nodler	
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 790, regarding Donna K. Winningham, Boonville, which was adopted.

Senator Wheeler offered Senate Resolution No. 791, regarding Jack Gibbs, Grandview, which was adopted.

Senator Kennedy offered Senate Resolution No. 792, regarding Betty Meyer, Ste. Genevieve, which was adopted.

Senator Dolan offered Senate Resolution No. 793, regarding Marie Dixon, Wentzville, which was adopted.

Senator Russell offered Senate Resolution No. 794, regarding Dorothy Sisco, Alton, which was adopted.

Senator Klindt offered Senate Resolution No. 795, regarding Alice McGinnis, Skidmore, which was adopted.

Senator Klindt offered Senate Resolution No. 796, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gene Johnson, Savannah, which was adopted.

Senator Yeckel offered Senate Resolution No. 797, regarding John D. Schneider, Florissant, which was adopted.

Senator Childers offered Senate Resolution No. 798, regarding Dolores Sergeant, Blue Eye, which was adopted.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 346**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 531**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HBs 346** and **174**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 288**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HS** for **HCS** for **HB 257**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HCS** for **HBs 517, 94, 149, 150** and **342**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 445**, begs

leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS** for **HCS** for **HB 156**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HS** for **HB 668**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HS** for **HB 470**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 198**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 307**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 305**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Shields assumed the Chair.

PRIVILEGED MOTIONS

Senator Champion moved that the Senate refuse to concur in **HS** for **SCS** for **SBs 299** and **40**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Dolan moved that the Senate refuse to concur in **HCS** for **SB 401** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Klindt moved that the Senate refuse to concur in **HCS** for **SB 407** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Yeckel moved that the Senate refuse to concur in **HCS** for **SB 552** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 166**, entitled:

An Act to repeal sections 72.080 and 72.130, RSMo, and to enact in lieu thereof two new sections relating to incorporation of cities, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HCS** for **HB 166** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 181**, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to a municipal transient guest tax.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HCS** for **HB 181** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman

Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 277**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.
Was called from the Consent Calendar and taken up by Senator Champion.

On motion of Senator Champion, **HCS** for **HB 277** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Goode	Jacob--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 278, introduced by Representatives Davis (19) and Parker, entitled:

An Act to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri.
Was called from the Consent Calendar and taken up by Senator Dolan.

On motion of Senator Dolan, **HB 278** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey

Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Goode Jacob--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 292, introduced by Representative Wagner, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to the De Soto armory.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **HB 292** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--30		

NAYS--Senators--None

Absent--Senators

Jacob Kennedy Yeckel--3

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 358, introduced by Representative Boykins, entitled:

An Act to repeal section 328.110, RSMo, and to enact in lieu thereof one new section relating to barbers' licenses.

Was called from the Consent Calendar and taken up by Senator Coleman.

On motion of Senator Coleman, **HB 358** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--31	
NAYS--Senators--None			
Absent--Senators			
Jacob	Yeckel--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 133**, entitled:

An Act to repeal sections 115.531 and 115.575, RSMo, and to enact in lieu thereof two new sections relating to elections of circuit and associate circuit judges.

Was called from the Consent Calendar and taken up by Senator Quick.

On motion of Senator Quick, **HCS** for **HB 133** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Champion	Jacob--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 99, introduced by Representative Seigfreid, entitled:

An Act to repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to campaign contribution filing requirements.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 99** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--30		
NAYS--Senators--None			
Absent--Senators			
Champion	Jacob	Yeckel--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 521, with **SCS**, introduced by Representative Dethrow, et al, entitled:

An Act to repeal section 320.094, RSMo, and to enact in lieu thereof one new section relating to the Missouri Fire Education Trust Fund.

Was called from the Consent Calendar and taken up by Senator Childers.

SCS for **HB 521**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 521

An Act to repeal section 320.094, RSMo, and to enact in lieu thereof one new section relating to the Missouri Fire Education Trust Fund.

Was taken up.

Senator Childers moved that **SCS** for **HB 521** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **HB 521** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--31	
NAYS--Senators--None			
Absent--Senators			
Jacob	Yeckel--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 314, introduced by Representative Engler, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to bonds of officers and contractors for public works.

Was called from the Consent Calendar and taken up by Senator Gross.

On motion of Senator Gross, **HB 314** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 141, introduced by Representative Mayer, entitled:

An Act to repeal section 536.077, RSMo, and to enact in lieu thereof one new section relating to subpoenas.

Was called from the Consent Calendar and taken up by Senator Bartle.

On motion of Senator Bartle, **HB 141** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 93**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Callaway to the city of Fulton, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Childers.

On motion of Senator Childers, **HCS** for **HB 93** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			

Goode Jacob--2
Absent with leave--Senator DePasco--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Goode--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 97**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a law enforcement sales tax, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **HCS** for **HB 97** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 199, introduced by Representative Jolly, et al, entitled:

An Act to repeal section 84.510, RSMo, and to enact in lieu thereof one new section relating to certain police officers.

Was called from the Consent Calendar and taken up by Senator Wheeler.

On motion of Senator Wheeler, **HB 199** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Yeckel--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 318**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to county ordinance violations.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HCS** for **HB 318** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			

Absent--Senators
Bland Jacob Mathewson--3
Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 326, introduced by Representative Wagner, et al, entitled:

An Act to repeal section 46.144, RSMo, and to enact in lieu thereof one new section relating to the description of the Ste. Genevieve County boundaries.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **HB 326** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Yeckel--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 351, introduced by Representative Quinn, et al, entitled:

An Act to repeal section 349.045, RSMo, and to enact in lieu thereof one new section relating to boards of directors for industrial development corporations.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HB 351** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn

Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 375, introduced by Representative Cooper (120), entitled:

An Act to repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to coroners' reports.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 375** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Goode	Mathewson--3
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 244, introduced by Representative Baker, et al, entitled:

An Act to repeal section 64.905, RSMo, and to enact in lieu thereof one new section relating to county planning and zoning ordinances.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 244** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Yeckel--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 463, introduced by Representative King, et al, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to state emblems.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 463** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Mathewson--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 472**, entitled:

An Act to repeal sections 67.1451 and 67.1461, RSMo, and to enact in lieu thereof two new sections relating to boards of directors in community improvement districts, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Bartle.

On motion of Senator Bartle, **HCS** for **HB 472** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Jacob	Mathewson	Wheeler--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 552, with **SCS**, introduced by Representative Kingery, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

Was called from the Consent Calendar and taken up by Senator Foster.

SCS for **HB 552**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 552

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

Was taken up.

Senator Foster moved that **SCS** for **HB 552** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **HB 552** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland	Mathewson	Quick	Wheeler--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 574, introduced by Representatives Jackson and Selby, entitled:

An Act to authorize the conveyance of property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **HB 574** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Quick	Wheeler--3
Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SCR 21** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **SB 305** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

HB 594, introduced by Representative Emery, et al, entitled:

An Act to repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of road districts in certain counties.

Was called from the Consent Calendar and taken up by Senator Nodler.

On motion of Senator Nodler, **HB 594** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 512, with **SCS**, introduced by Representative Cooper (120), et al, entitled:

An Act to repeal sections 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof four new sections relating to warehouse and self-service storage facilities.

Was called from the Consent Calendar and taken up by Senator Bartle.

SCS for **HB 512**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 512

An Act to repeal sections 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof four new

sections relating to warehouse and self-service storage facilities.

Was taken up.

Senator Bartle moved that **SCS** for **HB 512** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HB 512** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland	Gibbons	Goode	Stoll--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HB 464, introduced by Representative King, et al, entitled:

An Act to repeal sections 348.195 and 348.210, RSMo, and to enact in lieu thereof two new sections relating to loan guarantees.

Was called from the Consent Calendar and taken up by Senator Klindt.

Senator Bartle assumed the Chair.

On motion of Senator Klindt, **HB 464** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Yeckel--31	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland	Goode--2
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The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 477, introduced by Representative Moore, et al, entitled:

An Act to repeal section 191.659, RSMo, and to enact in lieu thereof one new section relating to disease testing of incarcerated offenders.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HB 477** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland-- 1

Absent with leave--Senator DePasco-- 1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 440, introduced by Representative Portwood, entitled:

An Act to repeal section 332.327, RSMo, and to enact in lieu thereof one new section relating to dentists.

Was called from the Consent Calendar and taken up by Senator Steelman.

On motion of Senator Steelman, **HB 440** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon

Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Goode--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 376, introduced by Representative Cooper (120), entitled:

An Act to repeal section 58.096, RSMo, and to enact in lieu thereof one new section relating to deputy coroner compensation.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 376** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Yeckel--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 332**, entitled:

An Act to repeal sections 337.600 and 337.633, RSMo, and to enact in lieu thereof three new sections relating to social work, with a penalty provision.

Was called from the Consent Calendar and taken up by Senator Steelman.

On motion of Senator Steelman, **HCS** for **HB 332** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler--29			

	NAYS--Senator Foster-- 1	
	Absent--Senators	
Bland	Quick	Yeckel--3
	Absent with leave--Senator DePasco-- 1	

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 202**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to the Missouri calcium initiative, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Steelman.

On motion of Senator Steelman, **HCS** for **HB 202** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Stoll-- 1		
	Absent with leave--Senator DePasco-- 1		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HBs 59** and **269**, with **SCS**, entitled:

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to suicide.

Was called from the Consent Calendar and taken up by Senator Shields.

SCS for **HCS** for **HBs 59** and **269**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 59 and 269

An Act to amend chapters 192, 630 and 633, RSMo, by adding thereto five new sections relating to implementation of special health care programs.

Was taken up.

Senator Shields moved that **SCS** for **HCS** for **HBs 59** and **269** be adopted.

Senator Shields requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 59 and 269, Page 2, Section 192.350, Line 18, by striking the word "or" and inserting in lieu thereof the word "**and**"; and further amend line 22, by striking the word "is" and inserting in lieu thereof the word "**are**"; and

Further amend said bill, Page 3, Section 192.352, Line 5, by inserting immediately after the word "services" the following: "**with existing resources**"; and further amend line 7, by striking the words "with existing resources"; and

Further amend said bill, Page 4, Section 192.355, Line 33, by striking the word "of" and inserting in lieu thereof the word "**for**".

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SCS** for **HCS** for **HBs 59** and **269**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **HCS** for **HBs 59** and **269**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon

Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senator Bray-- 1		
	Absent--Senator Dougherty-- 1		
	Absent with leave--Senator DePasco-- 1		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 597, introduced by Representative Schlottach, et al, entitled:

An Act to repeal section 231.280, RSMo, and to enact in lieu thereof one new section relating to preparing and filing certain annual reports by certain townships.

Was called from the Consent Calendar and taken up by Senator Dolan.

Senator Shields assumed the Chair.

On motion of Senator Dolan, **HB 597** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Wheeler-- 1		
	Absent with leave--Senator DePasco-- 1		

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 162, introduced by Representative Shoemaker (8), entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

Was called from the Consent Calendar and taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **HB 162** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Wheeler--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 245**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HCS** for **HB 245** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Stoll--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 249, introduced by Representative Seigfreid, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a certain state route.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 249** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Dougherty	Goode	Quick--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 247, introduced by Representative Ward, et al, entitled:

An Act to repeal section 301.133, RSMo, and to enact in lieu thereof one new section relating to special mobile equipment, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Kennedy.

On motion of Senator Kennedy, **HB 247** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Goode	Kinder	Quick--3	

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 392**, with **SCS**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to motorcycle and all-terrain vehicle franchises.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

SCS for **HCS** for **HB 392**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 392

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to motorcycle and all-terrain vehicle franchises.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 392** be adopted.

Senator Griesheimer requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 392, Page 1, Section 407.1035, Line 16, by striking the word "twenty-five" and inserting in lieu thereof the word "**twenty**".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 392**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **HCS** for **HB 392**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt

Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Kinder	Quick--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 261, introduced by Representative Whorton, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a state entity.

Was called from the Consent Calendar and taken up by Senator Klindt.

Senator Mathewson requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Mathewson offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 261, Page 1, Section 227.335, Line 2, by deleting all of said line, and insert in lieu thereof the following: "**Missouri-Iowa border south to the Missouri-Arkansas border, except where otherwise designated, shall be designated as the**".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klindt, **HB 261**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 57, with **SCS**, introduced by Representative Riback Wilson (25), entitled:

An Act to repeal sections 137.115, 137.155, and 137.360, RSMo, and to enact in lieu thereof three new sections relating to personal property lists.

Was called from the Consent Calendar and taken up by Senator Jacob.

SCS for **HB 57**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 57

An Act to repeal sections 137.115, 137.155, and 137.360, RSMo, and to enact in lieu thereof three new sections relating to personal property lists.

Was taken up.

Senator Jacob moved that **SCS** for **HB 57** be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS** for **HB 57** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 60, with **SCS**, introduced by Representative Sutherland, entitled:

An Act to repeal section 139.031, RSMo, and to enact in lieu thereof one new section relating to refunds of tax payments mistakenly or erroneously made.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

SCS for **HB 60**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 60

An Act to repeal section 139.031, RSMo, and to enact in lieu thereof one new section relating to refunds of tax payments mistakenly or erroneously made.

Was taken up.

Senator Griesheimer moved that **SCS** for **HB 60** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **HB 60** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 465, introduced by Representative Hanaway, et al, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on the life sciences.

Was called from the Consent Calendar and taken up by Senator Kinder.

On motion of Senator Kinder, **HB 465** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler

Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 388, introduced by Representative Riback Wilson (25), et al, entitled:

An Act to repeal section 67.1850, RSMo, and to enact in lieu thereof one new section relating to the creation of a geographical information system in certain municipalities.

Was called from the Consent Calendar and taken up by Senator Jacob.

On motion of Senator Jacob, **HB 388** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Stoll	Wheeler--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 253**, entitled:

An Act to repeal section 455.030, RSMo, and to enact in lieu thereof one new section relating to orders of protection.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HCS** for **HB 253** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 394, with **SCA 1**, entitled:

An Act to amend chapter 194, RSMo, by adding thereto one new section relating to the designation of next-of-kin for deceased persons.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **HCS for HB 394**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Stoll
Wheeler--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 427**, with **SCS**, entitled:

An Act to amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

Was called from the Consent Calendar and taken up by Senator Bartle.

SCS for **HCS** for **HB 427**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 427

An Act to amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HB 427** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HCS** for **HB 427** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 430, introduced by Representative Stevenson, et al, entitled:

An Act to repeal section 476.340, RSMo, and to enact in lieu thereof one new section relating to the executive council of the judicial conference of the state of Missouri.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 430** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Jacob	Klindt--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 599, introduced by Representative Burnett, et al, entitled:

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to municipal court costs.

Was called from the Consent Calendar and taken up by Senator Wheeler.

On motion of Senator Wheeler, **HB 599** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Klindt--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 613, with **SCS**, entitled:

An Act to repeal sections 43.530, 57.290, 67.133, 210.145, 452.311, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 488.426, 488.2300, 488.4014, 488.5320, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 517.141, 517.151, 536.077, 540.011, and 540.021, RSMo, and to enact in lieu thereof twenty-five new sections relating to court procedures, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Bartle.

SCS for HCS for HB 613, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 613

An Act to repeal sections 43.530, 50.640, 57.290, 67.133, 210.145, 452.311, 454.505, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 488.032, 488.426, 488.429, 488.2300, 488.4014, 488.5320, 488.5339, 491.280, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 513.475, 517.141, 517.151, 536.077, 540.011, 540.021, and 577.051, RSMo, and to enact in lieu thereof thirty-five new sections relating to court procedures, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS for HCS for HB 613** be adopted.

Senator Childers requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Childers offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 613, Page 29, Section 477.650, Line 36, by inserting after the word "fund" on said line the following: "but not to exceed 3% of such funds".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Bartle, the motions to adopt the **SCS** and to third read the bill were withdrawn, which placed the bill back on the Consent Calendar.

HCS for HBs 152 and 180, with **SCS**, entitled:

An Act to repeal sections 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.720, and 86.745, RSMo, and to enact in lieu thereof thirteen new sections relating to police relief and pension systems.

Was called from the Consent Calendar and taken up by Senator Bartle.

SCS for HCS for HBs 152 and 180, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 152 and 180

An Act to repeal sections 86.251, 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.690, 86.720, 86.745, and 169.712, RSMo, and to enact in lieu thereof twenty-one new sections relating to public employee retirement.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HBs 152** and **180** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HCS** for **HBs 152** and **180** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Loudon--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HBs 348** and **347**, entitled:

An Act to repeal sections 70.660 and 70.686, RSMo, and to enact in lieu thereof two new sections relating to local government employees' retirement system.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **HCS** for **HBs 348** and **347** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None
Absent--Senator Quick--1
Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 131, entitled:

An Act to repeal sections 70.605, 70.635, 70.661. 70.685 and 70.795, RSMo, and to enact in lieu thereof four new sections relating to local government employees' retirement system.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **HCS for HB 131** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Kinder--2		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 254, introduced by Representative Byrd, entitled:

An Act to repeal sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675, 28.678, and 28.681, RSMo, and to enact in lieu thereof seventeen new sections relating to the uniform electronic transactions act.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HB 254** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Steelman--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 553, introduced by Representative Smith (14), et al, entitled:

An Act to repeal section 67.210, RSMo, and to enact in lieu thereof one new section relating to health insurance benefits for officers and employees of political subdivisions.

Was called from the Consent Calendar and taken up by Senator Gross.

On motion of Senator Gross, **HB 553** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 523, introduced by Representative Dusenberg, et al, entitled:

An Act to repeal sections 313.057 and 313.810, RSMo, and to enact in lieu thereof two new sections relating to licensing requirements, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Vogel.

On motion of Senator Vogel, **HB 523** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 575**, with **SCS**, entitled:

An Act to repeal section 210.001, RSMo, and to enact in lieu thereof one new section relating to child assessment centers.

Was called from the Consent Calendar and taken up by Senator Foster.

SCS for **HCS** for **HB 575**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 575

An Act to repeal section 210.001, RSMo, and to enact in lieu thereof one new section relating to child assessment centers.

Was taken up.

Senator Foster moved that **SCS** for **HCS** for **HB 575** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **HCS** for **HB 575** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler--29			

NAYS--Senators--None

Absent--Senators

Goode	Jacob	Mathewson	Yeckel--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 75, introduced by Representative Ruestman, et al, entitled:

An Act to repeal section 301.456, RSMo, and to enact in lieu thereof one new section relating to special license plates.

Was called from the Consent Calendar and taken up by Senator Childers.

On motion of Senator Childers, **HB 75** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Goode	Mathewson	Stoll--3
Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 187, introduced by Representatives Cooper (120) and Davis (122), entitled:

An Act to repeal section 301.4000, RSMo, and to enact in lieu thereof one new section relating to special license plates for motorcycles.

Was called from the Consent Calendar and taken up by Senator Dolan.

On motion of Senator Dolan, **HB 187** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Goode	Jacob--2		
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 371**, with **SCS**, entitled:

An Act to repeal sections 307.177 and 307.400, RSMo, and to enact in lieu thereof two new sections relating to hazardous waste carriers, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Dolan.

SCS for **HCS** for **HB 371**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 371

An Act to repeal sections 302.700, 307.177, and 307.400, RSMo, and to enact in lieu thereof three new sections relating to commercial motor vehicles, with penalty provisions.

Was taken up.

Senator Dolan moved that **SCS** for **HCS** for **HB 371** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **HCS** for **HB 371** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Jacob--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 478, introduced by Representative Moore, et al, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

Was called from the Consent Calendar and taken up by Senator Yeckel.

On motion of Senator Yeckel, **HB 478** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 493**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

Was called from the Consent Calendar and taken up by Senator Dolan.

On motion of Senator Dolan, **HCS** for **HB 493** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 491, with **SCS**, introduced by Representative Rupp, et al, entitled:

An Act to repeal sections 301.069 and 301.142, RSMo, and to enact in lieu thereof two new sections relating to biennial registration for certain motor vehicles, with penalty provisions and an effective date.

Was called from the Consent Calendar and taken up by Senator Dolan.

SCS for **HB 491**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 491

An Act to repeal sections 301.069, 301.130, and 301.142, RSMo, and to enact in lieu thereof three new sections relating to license plates, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Dolan moved that **SCS** for **HB 491** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **HB 491** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty

Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 356**, entitled:

An Act to amend chapter 219, RSMo, by adding thereto one new section relating to the sale of products made by youth in the custody of the division of youth services.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HCS** for **HB 356** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senator Bland--1

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Gibbons, **SB 27**, with **SCS**, was placed on the Informal Calendar.

SB 209, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **SB 685**, with **SCS**, was placed on the Informal Calendar.

SB 455 was placed on the Informal Calendar.

SB 343, SB 89, SB 134, SB 171, SB 240, SB 261, SB 331, SB 368, SB 369, SB 419, SB 484 and **SB 581**, with **SCS**, were placed on the Informal Calendar.

SB 446, with **SCS**, was placed on the Informal Calendar.

Senator Yeckel moved that **SB 242**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SS** for **SB 242**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 242

An Act to amend chapter 512, RSMo, by adding thereto one new section relating to supersedeas bond requirements, with an emergency clause.

Senator Yeckel moved that **SS** for **SB 242** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS** for **SB 242** was declared perfected and ordered printed.

SB 415, SB 88, SB 200, SB 223, SB 413, SB 523, SB 589 and **SB 626**, with **SCS**, were placed on the Informal Calendar.

SB 564 was placed on the Informal Calendar.

Senator Loudon moved that **SB 236** be taken up for perfection, which motion prevailed.

On motion of Senator Loudon, **SB 236** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 17**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 688**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto eleven new sections relating to the life sciences research trust fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 481**, entitled:

An Act to amend chapter 33, RSMo, by adding thereto one new section relating to public funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 121**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to health insurance coverage for chiropractic care.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 138**, entitled:

An Act to repeal sections 217.305 and 217.380, RSMo, and to enact in lieu thereof four new sections relating to the department of corrections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 593**, entitled:

An Act to repeal sections 33.103 and 287.780, RSMo, and to enact in lieu thereof three new sections relating to the state employees' protection act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert M. Clayton, III, Democrat, 4 Briarwood, Hannibal, Marion County, Missouri 63401, as a member of the Public Service Commission, for a term ending April 28, 2009, and until his successor is duly appointed and qualified; vice, Shelia Lumpe, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Connie L. Murray, Republican, 1101 West McCarty Street, Jefferson City, Cole County, Missouri 65109, as a member of the Public Service Commission, for a term ending April 28, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 799, regarding Betty Louise Baker, Mexico, which was adopted.

Senator Kennedy offered Senate Resolution No. 800, regarding Rena Ziegler, Potosi, which was adopted.

Senator Kennedy offered Senate Resolution No. 801, regarding Alberta Arndt, Potosi, which was adopted.

Senator Bray offered Senate Resolution No. 802, regarding Dr. John Cleary, Glendale, which was adopted.

Senator Kinder offered Senate Resolution No. 803, regarding Alveda Celeste King, Georgia, which was adopted.

COMMUNICATIONS

The following was submitted:

April 28, 2003

Mrs. Terry Spieler

Secretary of the Senate

Missouri Senate

Jefferson City, MO 65101

Dear Terry:

Senate Bill 236, which creates a one-dollar check-off on income tax returns to fund the workers memorial, is presently on the senate calendar. As of this date, in my absence, Senator John Loudon who is the co-sponsor, will present this bill on the floor.

Sincerely,

/s/ Ronnie DePasco

Ronnie DePasco

STATE SENATOR

District 11

MESSAGES FROM THE GOVERNORThe following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Bill No. 234 entitled:

AN ACT

To repeal section 64.342, RSMo, and to enact in lieu thereof one new section relating to county facilities, with an emergency clause.

On April 28, 2003, I approved said House Committee Substitute for Senate Bill No. 234.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, Victor Casey and Gail Milatz, Judevine Center, St. Louis.

Senator Cauthorn introduced to the Senate, Katie Churchill Lentz, Quincy, Illinois; and Katie was made an honorary page.

Senator Gibbons introduced to the Senate, Dana Hatter and Allan Maxwell, Judevine Center, St. Louis.

On behalf of Senators Goode, Kennedy and herself, Senator Days, introduced to the Senate, Mark Spencer, Whitney Lee, Debbie Rowden, Sarah Sander, and Community Service Learners from Berkeley Middle School, Berkeley; and Mark Spencer and Whitney Lee were made honorary pages.

Senator Days introduced to the Senate, Coach Marvin Neals, Coach Leroy Jackson, Athletic Director Kevin O'Brien, and members of the Class 3-A State Championship Basketball Team from Cardinal Ritter College Preparatory High School, St. Louis.

Senator Dougherty introduced to the Senate, Bert Thomas and Shantay Wakefield, St. Louis.

On behalf of Senator Clemens and himself, Senator Scott introduced to the Senate, Tommy Jenson, Anna Cox, Laura Miller, and Debbie and James Cox, Ava.

Senator Vogel introduced to the Senate, Baktybek Omuraliev, Akbarali Abdyvaslev, Bektamir Samaganov, and Azamjon Hojiev, Kyrgyz Republic, Tajikistan; and Jeanne Schwaller, Jefferson City.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SECOND DAY-TUESDAY, APRIL 29, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 688

HS for HB 481-Crowell

HS for HCS for HB 121-Portwood

HCS for HB 138

HB 593-Deeken, et al

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)

SB 305-Jacob and Steelman
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 458-Childers

SBs 312, 49, 111, 113, 191,

206, 263, 404, 409, 418,
538, 550 & 584-Dolan,
et al, with SCS

SB 485-Shields, with SCS

SB 346-Yeckel, with SCS

SB 531-Childers, with SCS

SB 307-Steelman, with SCS

HOUSE BILLS ON THIRD READING

1. HS for HB 511-Deeken,
with SCS (Yeckel)

2. HB 444-Jackson, with SCS
(Yeckel)

3. HB 208-Engler, et al, with
SCS (Kinder)

4. HB 286-Bearden, with SCS
(Shields)

5. HCS for HB 144, with SCS
(Vogel)

6. HCS for HBs 346 & 174, with SCS

7. HCS for HB 288, with SCS

8. HS for HCS for HB 257-
Munzlinger, with SCS

9. HS for HCS for HBs 517, 94,
149, 150 & 342-Portwood,

with SCS

10. HB 445-Portwood, et al, with
SCS (Loudon)

11. HS for HCS for HB 156-Phillips

12. HS for HB 668-Crawford, with SCS

13. HS for HB 470-Mayer, with SCS

14. HB 198-Stevenson, et al

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 27-Gibbons, with SCS

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS & SA 6 (pending)

SB 209-Steelman, et al, with SCS

SB 217-Champion and Clemens,
with SS (pending)

SB 241-Yeckel, with SCS

SBs 248, 100, 118, 233, 247, 341

& 420-Gross, et al, with SCS

& SS for SCS (pending)

SB 253-Steelman, et al, with

SCS, SS for SCS & SA 1

(pending)

SB 300-Cauthorn, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,

331, 368, 369, 419, 484 &

581-Dolan, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,

with SCS & SS for SCS

(pending)

SBs 415, 88, 200, 223, 413, 523,

589 & 626-Yeckel, with SCS

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS,

SS for SCS & SA 2 (pending)

SB 446-Bartle, with SCS

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2

(pending)

SB 455-Dougherty and Shields

SB 460-Loudon, with SS &

SA 1 (pending)

SB 476-Jacob

SB 564-Gross

SB 685-Gibbons, et al, with SCS

SB 693-Klindt, et al, with SCS

SB 695-Goode and Russell

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HCS for HBs 122 & 80 (Bland)

HCS for HB 289, with SCS (Steelman)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HS for HCS for HBs 349,

120, 136 & 328-Crawford (Caskey)

HCS for HB 390, with SCS

(Cauthorn)

HB 412-Goodman, et al

(Childers)

HCS for HB 600, with SCS, SS

for SCS, SA 7 & SSA 1 for

SA 7 (pending) (Shields)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 307-Merideth and
Shoemaker (Foster)

HB 505-Byrd and Villa,
with SCS (Mathewson)
Reported 4/15

HCS for HB 613, with SCS
(Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 4-Caskey and
Russell, with HCA 1

SCS for SB 7-Mathewson,
with HCS

SCS for SB 16-Childers, with HCS

SCS#2 for SB 52-Shields, with HCS

SCS for SB 61-Caskey, with HCS

SB 68-Childers, with HCS

SB 101-Caskey, with HCS

SCS for SB 130-Gross and

Dolan, with HCS

SB 136-Goode, with HCS

SB 175-Loudon, with HCS

SB 186-Cauthorn, with HCS

SCS for SBs 212 & 220-Bartle,
with HCS

SCS for SB 218-Goode, et al,
with HCS

SB 228-Griesheimer, with HCS

SB 266-Shields and

Kennedy, with HCS

SB 275-Russell, with HCS

SCS for SB 281-Shields, with HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 295-Shields, with HCS

SCS for SB 296-Griesheimer,

with HS for HCS, as amended

SB 301-Bray, with HCS

SB 325-Steelman, with HCS

SB 355-Stoll, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 373-Bartle, with HCS

SCS for SB 379-Champion, with

HCS

SB 394-Bartle, with HCS, as

amended

SB 399-Caskey, with HCS

SB 423-Childers, with HCA 1

SCS for SB 447-Bartle, with HCA 1

SB 448-Bartle, with HCS

SB 465-Bartle, with HCS

SB 468-Bartle, with HCA 1

SB 470-Bartle, with HCS

SB 474-Bartle, with HCS

SB 504-Clemens and Champion,

with HCS

SCS for SB 547-Caskey, with HCS

SCS for SB 592-Foster, with HCS

SCS for SB 666-Bland, with HCS BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

SCS for SBs 299 & 40-Champion, et al,

with HS, as amended

(Senate requests House

recede or grant conference)

SB 401-Dolan, et al,

with HCS

(Senate requests House

recede or grant conference)

SB 407-Klindt, with HCS

(Senate requests House

recede or grant conference)

SB 552-Yeckel, with HCS

(Senate requests House

recede or grant conference)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 3-Loudon

SCR 11-Steelman

SCR 14-Dolan and Kinder

SCR 16-Goode, et al

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al

SCR 18-Mathewson and

Steelman

HCR 11-Moore and Walton

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY--TUESDAY, APRIL 29, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

Reverend Carl Gauck offered the following prayer:

"We are called to explore the depths in ourselves, in other people and in the whole of our society, and in discovering them we need to see that these are not separate depths." (Mother Superior Mary Clare)

Gracious Lord, as we take these moments with You we become aware of all with whom we are connected and depend upon. Help us never to forget those of our office staff who do so much for us and often are overlooked when praise is handed out. Bless all of us with patience and a sense of service as we follow Your lead and serve the people of Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, the Associated Press, KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 804, regarding Kayla Trankle, Leopold, which was adopted.

Senator Kinder offered Senate Resolution No. 805, regarding Nicholas Farrow, Patton, which was adopted.

Senator Kinder offered Senate Resolution No. 806, regarding Emma Cook, Patton, which was adopted.

Senator Kinder offered Senate Resolution No. 807, regarding Cierra Davis, Patton, which was adopted.

Senator Kinder offered Senate Resolution No. 808, regarding Alexis Simmons, Patton, which was adopted.

Senator Kinder offered Senate Resolution No. 809, regarding Landon Thompson, Patton, which was adopted.

Senator Childers offered Senate Resolution No. 810, regarding Darwin "Bud" Strohm Early Childhood Development Center, Reeds Spring, which was adopted.

CONCURRENT RESOLUTIONS

Senator Loudon moved that **SCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Loudon, **SCR 3** was adopted by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
NAYS--Senators			
Bray	Coleman	Days	Wheeler--4
Absent--Senators			
Bland	Dolan	Dougherty	Jacob
Quick--5			
Absent with leave--Senator DePasco--1			

Senator Steelman moved that **SCR 11** be taken up for third reading and final passage, which motion prevailed.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 11, appearing on Page 317 of the Senate Journal, February 26, 2003, Column 2, Lines 34-35 of said column, by striking "the University of Missouri-Kansas City Hospitals and Clinics shall establish" and inserting in lieu thereof the following: "any teaching hospital under the control of public universities in the state shall evaluate the establishment of"; and further amend line 41 of said column, by inserting immediately after the word "be" the following: "subject to appropriations and"; and

Further amend said resolution, page 318, column 1, line 2 of said column, by inserting immediately after the word "available" the following: "if the department, in its judgment, concludes such program is beneficial to the health care system of Missouri".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Concurrent Resolution No. 11, appearing on Page 317 of the Senate Journal, February 26, 2003, Column 2, Line 56, by adding after said line the following:

"(6) fully disclose to the patient the value of second opinions from financially disinterested parties.".

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Steelman, **SCR 11**, as amended, was read the third time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			

NAYS--Senator Coleman--1	
Absent--Senators	
Bland	Quick
Absent with leave--Senator DePasco--1	
Stoll--3	

The President declared the concurrent resolution passed.

On motion of Senator Steelman, title to the concurrent resolution was agreed to.

Senator Steelman moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Dolan moved that **SCR 14** be taken up for adoption, which motion prevailed.

Senator Jacob offered **SS** for **SCR 14**:

SENATE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, the States are financially in crisis and the education and health care of our children are at risk, we the people of the state of Missouri request the federal government to provide the States financial aid in order to prevent the deterioration of our infrastructure, educational and health care system.

Senator Jacob moved that **SS** for **SCR 14** be adopted.

Senator Shields raised the point of order that **SS** for **SCR 14** is out of order, as it goes beyond the scope of the original concurrent resolution.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SCR 14 was again taken up.

Senator Dolan requested unanimous consent of the Senate to make the following technical change to paragraph 7, line 2: "States and Congress be urged to consider planning and funding a missile defense", which request was granted.

On motion of Senator Dolan, **SCR 14** was adopted by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion

Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--25			
	NAYS--Senators		
Bray	Coleman	Days	Dougherty
Jacob		Wheeler--6	
	Absent--Senators		
Bland	Quick--2		
	Absent with leave--Senator DePasco--1		

Senator Goode moved that **SCR 16** be taken up for adoption, which motion prevailed.

On motion of Senator Goode, **SCR 16** was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan	Gross--3	
	Absent with leave--Senator DePasco--1		

PRIVILEGED MOTIONS

Senator Bartle moved that the Senate refuse to concur in **HCS** for **SB 394**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Bartle moved that the Senate refuse to concur in **HCS** for **SB 448**, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that **SCS** for **SB 4**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon

Mathewson	Nodler	Quick	Scott
Shields	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan	Russell	Steelman--4
	Absent with leave--Senator DePasco--1		

On motion of Senator Caskey, **SCS** for **SB 4**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Dolan	Kennedy--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mathewson moved that **SCS** for **SB 7**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 7**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 7

An Act to authorize the governor to convey land owned by the state in the county of Pettis.

Was taken up.

Senator Mathewson moved that **HCS** for **SCS** for **SB 7** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey

Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senator DePasco--1

On motion of Senator Mathewson, **HCS** for **SCS** for **SB 7** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Gross--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that the Senate refuse to concur in **HCS** for **SCS No. 2** for **SB 52**, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 695** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senators Goode and Russell offered **SS No. 2** for **SB 695**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 695

An Act to repeal sections 208.010, 208.015, 208.151, 208.152, 208.153, 208.154, 208.156, 208.162, 338.501, 338.515, 338.520, 338.525, 338.545, and 338.550, RSMo, and to enact in lieu thereof ten new sections relating to medical services and eligibility, with an emergency clause.

Senator Goode moved that **SS No. 2** for **SB 695** be adopted.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 20, Section 208.151, Line 12, by deleting "**eighty**" on said line and inserting in lieu thereof "**ninety**".

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Dougherty and Jacob.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Wheeler--11	
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--21			
Absent--Senator Kinder--1			
Absent with leave--Senator DePasco--1			

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 9, Section 208.010, Line 16 of said page, by striking the opening bracket "[" on said line; and further amend lines 19-24 of said page, by striking all of said lines and inserting in lieu thereof the following: "Title XVIII Medicare Part B, except."; and

Further amend page 33, section 208.152, line 1, by striking the opening bracket "["; and

Further amend said page, line 3, by striking "]" all covered services"; and

Further amend said bill, Page 33, Section 208.152, Lines 17-18 of said page, by striking all of said lines and inserting in lieu thereof the following: "be in addition to, and not in lieu of, any payments made by the state for goods or services described herein.".

Senator Shields moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 9, Section 208.010, Line 16 of said page, by striking the

opening bracket "[" on said line; and further amend lines 19-24 of said page, by striking all of said lines and inserting in lieu thereof the following: "Title XVIII Medicare Part B, except the applicable Title XIX cost sharing."; and

Further amend page 33, section 208.152, line 1, by striking the opening bracket "["; and

Further amend said page, line 3, by striking "]" all covered services"; and

Further amend said bill, Page 33, Section 208.152, Lines 16-19 of said page, by striking all of said lines and inserting in lieu thereof the following: "by recipients under this section shall be in addition to, and not in lieu thereof, any payments made by the state for goods or services described herein.".

Senator Shields moved that the above substitute amendment be adopted.

Senator Russell requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Cauthorn, Gibbons, Goode and Scott.

SSA 1 for **SA 2** was adopted by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Cauthorn
Champion	Coleman	Days	Dolan
Dougherty	Foster	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--23	
NAYS--Senators			
Bartle	Childers	Clemens	Gibbons
Goode	Kinder	Nodler	Russell
Yeckel--9			
Absent--Senator Mathewson--1			
Absent with leave--Senator DePasco--1			

Senator Caskey offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 20, Section 208.151, Line 12, by deleting "**eighty**" on said line and inserting in lieu thereof "ninety-five".

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Jacob and Kennedy.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Childers
Coleman	Days	Dougherty	Foster
Jacob	Kennedy	Quick	Shields
Steelman	Stoll	Wheeler--15	
NAYS--Senators			
Bartle	Cauthorn	Champion	Clemens
Dolan	Gibbons	Goode	Griesheimer
Gross	Kinder	Klindt	Loudon

Absent--Senator Mathewson--1

Absent with leave--Senator DePasco--1

Senator Steelman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 39, Section 208.162, Line 20 of said page, by inserting after all of said line the following:

"208.565. 1. The division shall negotiate with manufacturers for participation in the program. The division shall issue a certificate of participation to pharmaceutical manufacturers participating in the Missouri Senior Rx program. A pharmaceutical manufacturer may apply for participation in the program with an application form prescribed by the commission. A certificate of participation shall remain in effect for an initial period of not less than one year and shall be automatically renewed unless terminated by either the manufacturer or the state with sixty days' notification.

2. For all transactions occurring prior to July 1, 2003, the rebate amount for each drug shall be fifteen percent of the average manufacturers' price as defined pursuant to 42 U.S.C. 1396r-8(k)(1). For all transactions occurring on or after July 1, 2003, the rebate amount for [each drug] name brand prescription drugs shall be fifteen percent and the rebate amount for generic prescription drugs shall be eleven percent of the average manufacturers' price as defined pursuant to 42 U.S.C. 1396r-8(k)(1). No other discounts shall apply. In order to receive a certificate of participation a manufacturer or distributor participating in the Missouri Senior Rx program shall provide the division of aging the average manufacturers' price for their contracted products. The following shall apply to the providing of average manufacturers' price information to the division of aging:

(1) Any manufacturer or distributor with an agreement under this section that knowingly provides false information is subject to a civil penalty in an amount not to exceed one hundred thousand dollars for each provision of false information. Such penalties shall be in addition to other penalties as prescribed by law;

(2) Notwithstanding any other provision of law, information disclosed by manufacturers or wholesalers pursuant to this subsection or under an agreement with the division pursuant to this section is confidential and shall not be disclosed by the division or any other state agency or contractor therein in any form which discloses the identity of a specific manufacturer or wholesaler or prices charged for drugs by such manufacturer or wholesaler, except to permit the state auditor to review the information provided and the division of medical services for rebate administration.

3. All rebates received through the program shall be used toward refunding the program. If a pharmaceutical manufacturer refuses to participate in the rebate program, such refusal shall not affect the manufacturer's status under the current Medicaid program. There shall be no drug formulary, prior approval system, or any similar restriction imposed on the coverage of outpatient drugs made by pharmaceutical manufacturers who have agreements to pay rebates for drugs utilized in the Missouri Senior Rx program, provided that such outpatient drugs were approved by the Food and Drug Administration.

4. Any prescription drug of a manufacturer that does not participate in the program shall not be reimbursable."; and
Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 20, Section 208.151, Line 12, by deleting "**eighty**" and

inserting in lieu thereof "**one hundred**".

Senator Caskey moved that the above amendment be adopted.

At the request of Senate Caskey, **SA 5** was withdrawn.

Senator Goode moved that **SS No. 2** for **SB 695**, as amended, be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SS No. 2** for **SB 695** and was joined in his request by Senators Bray, Coleman, Days and Jacob.

SS No. 2 for **SB 695**, as amended, was adopted by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Vogel	Yeckel--19	
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Foster	Jacob
Kennedy	Quick	Steelman	Stoll
Wheeler--13			
Absent--Senator Mathewson--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Goode, **SS No. 2** for **SB 695**, as amended, was declared perfected and ordered printed.

On motion of Senator Gibbons, the Senate recessed until 2:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 236** and **SS** for **SB 242**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 407** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the

following conferees to act with a like committee from the Senate on **HCS** for **SB 407**. Representatives: Luetkemeyer, Parker, Richard, Ward, Liese.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 552** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 552**. Representatives: Byrd, Smith (118), Ruestman, Haywood, Donnelly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SCS** for **SBs 299** and **40**, as amended and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SCS** for **SBs 299** and **40**, as amended. Representatives: Bearden, Lager, Holand, Campbell, and Lowe.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 401** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 401**. Representatives: Byrd, Pratt, Lipke, Jolly, and Bringer.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 407**: Senators Klindt, Loudon, Scott, Kennedy and Stoll.

HOUSE BILLS ON THIRD READING

Senator Shields moved that **HCS** for **HB 600**, with **SCS**, **SS** for **SCS**, **SA 7** and **SSA 1** for **SA 7** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

SSA 1 for **SA 7** was again taken up.

At the request of Senator Shields, the above substitute amendment was withdrawn.

SA 7 was again taken up.

At the request of Senator Mathewson, the above amendment was withdrawn.

Senator Shields offered **SS** for **SS** for **SCS** for **HCS** for **HB 600**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 600

An Act to repeal sections 32.057, 67.990, 71.620, 143.124, 143.181, 143.225, 143.782, 144.025, 144.081, 144.250, 191.831, 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, 196.445, 208.565, 301.190, 302.304, 302.540, 306.016, 338.501, 338.515, 338.520, 338.525, 338.545, 338.550, 577.041, 577.049, and 577.520, RSMo, and to enact in lieu thereof thirty-four new sections relating to tax and fee revenue, with penalty provisions and an emergency clause.

Senator Shields moved that **SS** for **SS** for **SCS** for **HCS** for **HB 600** be adopted.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 63, Section 338.550, Line 17 of said page, by inserting immediately after said line the following:

"339.105. 1. Each broker **who holds funds belonging to another** shall maintain **such funds in** a separate bank [checking] account in a financial institution[, either a bank, savings and loan association or a credit union in this state, or in an adjoining state with written permission of the commission,] which shall be designated an escrow or trust account [in which all money not his own coming into his possession, including]. **This requirement includes** funds in which he **or she** may have some future interest or claim[.]. **Such funds** shall be deposited promptly unless all parties having an interest in the funds have agreed otherwise in writing. No broker shall commingle his **or her** personal funds or other funds in this account with the exception that a broker may deposit and keep a sum not to exceed [five hundred] **one thousand** dollars in the account from his **or her** personal funds, which sum shall be specifically identified and deposited to cover service charges related to the account. [The commission may, by written waiver issued for good cause as defined by rule and regulation, relieve a broker from the obligation to maintain a separate escrow or trust account.]

2. [Before issuance of a broker license,] Each broker shall notify the commission of the name of **his or her intent not to maintain an escrow account, or the name of** the financial institution in which each escrow or trust account is maintained, the name and number of each such account, and shall file written authorization directed to each financial institution to allow the commission or its authorized representative to examine each such account; such notification and authorization shall be submitted on forms provided therefor by the commission [but shall not be required in any case where maintenance of an escrow or trust account has been waived pursuant to subsection 1 of this section]. A broker shall notify the commission within [fifteen] **ten business** days of any change of **his or her intent to maintain an escrow account, the** financial institution [or], account numbers, **or change in account status**.

3. In conjunction with each escrow or trust account a broker shall maintain [at his usual place of business,] books, records, contracts and other necessary documents so that the adequacy of said account may be determined at any time. The account and other records shall be [open] **provided** to [inspection by] the commission and its duly authorized agents **for inspection** at all times during regular business hours at the broker's usual place of business.

4. **Whenever the ownership of any escrow moneys received by a broker pursuant to this section is in dispute by**

the parties to a real estate sales transaction, the broker shall report and deliver the moneys to the state treasurer within three hundred sixty-five days of the date of the initial projected closing date in compliance with sections 447.500 to 447.595, RSMo. The parties to a real estate sales transaction may agree in writing that the funds are not in dispute and shall notify the broker who is holding the funds.

5. A broker shall not be entitled to any [part of the earnest] money or other money paid to him **or her** in connection with any real estate **sales** transaction as part or all of his **or her** commission or fee until the transaction has been consummated or terminated, unless agreed in writing by all parties to the transaction.

[5.] **6.** When, through investigations or otherwise, the commission has reasonable cause to believe that a licensee has acted, is acting or is about to act in violation of this section, the commission may, through the attorney general or any [of his] assistants designated by [him] **the attorney general**, proceed in the name of the commission to institute suit to enjoin any act or acts in violation of this section.

[6.] **7.** Any such suit shall be commenced in either the county in which the defendant resides or in the county in which the defendant has acted, is acting or is about to act in violation of this section.

[7.] **8.** In such proceeding, the court shall have power to issue such temporary restraining or injunction orders, without bond, which are necessary to protect the public interest. Any action brought under this section shall be in addition to and not in lieu of any other provisions of this chapter. In such action, the commission or the state need not allege or prove that there is no adequate remedy at law or that any individual has suffered any economic injury as a result of the activity sought to be enjoined."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 13, Section 71.620, Lines 14-17, by striking all of said lines.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 3**:

SENATE AMENDMENT NO. 3Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Pages 56-61, Section 306.016, by striking all of said section and inserting in lieu thereof the following:

"306.016. 1. By January 1, 1995, the owner of any vessel documented by the United States Coast Guard on August 28, 1994, and the new owner of any vessel purchased after August 28, 1994, who upon the sale or transfer of the vessel desires to document the vessel with the United States Coast Guard, shall apply for a vessel certificate of registration and pay a certification fee of seven dollars and fifty cents, an initial registration fee in an amount equal to the amount required for a certificate of number [under] **pursuant to** section 306.030 and all applicable state and local [or in lieu watercraft] taxes as provided by law in effect on the date the vessel was documented or submit proof that all applicable registration fees have been paid to the department of revenue and all applicable taxes [or in lieu watercraft taxes] have been paid in this or another state. Such application shall include the county in which such vessel will be normally maintained by the new owner. A certificate of registration and a set of registration decals in a form the director shall prescribe shall be issued for a documented vessel. A Missouri resident shall make application for a vessel certificate of registration within thirty days of acquiring or bringing the vessel into this state. A nonresident shall make application for a vessel certificate of registration within sixty days after acquiring a vessel in this state or bringing a vessel into this state if the vessel will be kept in this state for a period in excess of sixty consecutive days. A delinquency penalty

fee of ten dollars shall be imposed for each thirty days of delinquency, not to exceed a total of thirty dollars. If the director of revenue learns that any person has failed to make application for a vessel certificate of registration in accordance with this section or has sold a vessel documented by the United States Coast Guard without obtaining a certificate of registration as provided in this section, the director shall cancel the registration of all vessels and outboard motors registered in the name of the person, either as sole owner or a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee together with all fees, charges, and payments which the person should have paid in connection with the vessel certificate of registration.

2. [A boat or vessel documented by the United States Coast Guard or other agency of the federal government and operated on the waters of this state shall not be liable for the payment of any state or local sales or use tax on the purchase, but shall be liable for the payment of an in lieu watercraft tax, which is hereby imposed. The in lieu watercraft tax shall be collected by the director of revenue and deposited in the state treasury to the credit of general revenue and shall be appropriated for use by the Missouri state water patrol. Watercraft dealers in this state shall report to the director of revenue on forms furnished by the director the sale of each watercraft sold to a resident of this state. If the watercraft is registered and licensed pursuant to the provisions of this chapter and all applicable sales taxes have been paid, the director shall not collect the in lieu tax imposed by this subsection. If the watercraft is registered with the United States Coast Guard or other agency of the federal government and not under the provisions of this chapter the director shall bill the purchaser of the watercraft for the in lieu tax imposed by this subsection. Any person who fails to pay the in lieu tax due under this section, within thirty days after receipt of the bill from the director of revenue, shall be liable to the same penalties imposed by law for failure to pay sales and use taxes due the state. The in lieu tax shall be determined as follows:

PURCHASE PRICE OF WATERCRAFT TAX DUE

\$50,000 or less \$ 650.00

\$50,001 to \$100,000 1,250.00

\$100,001 to \$150,000 1,850.00

\$150,001 to \$200,000 2,450.00

\$200,001 and above 3,050.00

3.] The registration decals for any vessel documented by the United States Coast Guard shall be in force and effect for a period of three years so long as the vessel is owned or held by the original holder of the certificate of registration and shall be renewed upon application and payment of a registration renewal fee equal to the amount required for a certificate of number [under] **pursuant to** section 306.030. The owner shall attach the registration decals to both sides of the forward half of the bow of the documented vessel in a place that is fully visible.

[4.] **3.** The department of revenue may issue a temporary vessel certificate of registration authorizing the operation of a vessel to be documented by the United States Coast Guard for not more than sixty days. The temporary registration shall be made available by the department of revenue and may be purchased from the department of revenue or from a dealer upon proof of purchase of a vessel. The department shall make temporary certificates of registration available to registered dealers in this state in sets of ten. The fee for the temporary certificates of registration shall be five dollars each. No dealer shall charge more than five dollars for each temporary certificate of registration issued. The temporary registration shall be valid for a period of sixty days from the date of issuance by the department of revenue to the purchaser of the vessel or from the date of sale of the vessel by a dealer from which the purchaser obtains a certificate of registration. The temporary certificate of registration shall be issued on a form prescribed by the department of revenue and issued only for the purchaser's use in the operation of the vessel purchased to enable the purchaser to legally operate the vessel while a certificate of registration is being obtained, and shall be displayed on no other vessel. Temporary certificates of registration issued [under] **pursuant to** this section shall not be transferable or renewable and shall not be valid upon issuance of a proper certificate of registration. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make and the manufacturer's identification number of the vessel on the temporary registration when issued to the purchaser. The dealer shall complete the information on the temporary

registration in full. Every dealer that issues a temporary certificate of registration shall keep, for inspection by authorized officers, a correct record of each temporary certificate of registration issued by the dealer by recording the registration number, purchaser's name and address, year, make and manufacturer's identification number of the vessel on which the temporary certificate of registration is to be used and the date of issuance.

[5.] **4.** Upon the sale or transfer of any vessel documented by the United States Coast Guard for which a certificate of registration has been issued, the registration shall be terminated. If the new owner elects to have the vessel documented by the United States Coast Guard, the new owner shall submit, in addition to the properly assigned certificate of registration, proof of release from the documentation provided by the United States Coast Guard and shall comply with the provisions of this section. If the new owner elects not to document the vessel with the United States Coast Guard, the owner shall comply with the applicable provisions of this chapter.

[6.] **5.** The certificate of registration shall be available at all times for inspection on the vessel for which it is issued, whenever the vessel is in operation."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Jacob and Stoll.

SA 3 was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan--2		
	Absent with leave--Senator DePasco--1		

Senator Gibbons offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 15, Section 136.325, Line 21 of said page, by inserting after all of said line the following:

"143.091. **1.** Any term used in sections 143.011 to 143.996 shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required by the provisions of sections 143.011 to 143.996. **For taxes due on or after December 31, 2003,** any reference in sections 143.011 to 143.996 to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1986, and amendments thereto **enacted on or before January 1, 2003,** and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective[, at any time or from time to time,] **on or before January 1, 2003,** for the taxable year.

2. Within sixty days after an amendment of the Internal Revenue Code of 1986 is enacted, the director or revenue shall prepare and submit to the governor, the speaker of the house of representatives, and the

president pro tempore of the senate a report which outlines:

- (1) The changes of the Internal Revenue Code of 1986;
- (2) The impact of those changes on state revenue; and
- (3) The impact of those changes on the various classes and types of taxpayers.

3. The provisions of subsections 1-2 of this section shall expire December 31, 2008.

4. Beginning January 1, 2009, any term used in sections 143.011 to 143.996 shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required by the provisions of sections 143.011 to 143.996. Beginning January 1, 2009, any reference in sections 143.011 to 143.996 to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1986, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective, at any time or from time to time, for the taxable year."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 12, Section 71.620, Line 28 of said page, by striking the opening bracket "[" and closing bracket "]" on said line; and further amend line 29 of said page, by striking all of said line; and

Further amend said bill, Page 13, Section 71.620, Line 1 of said page, by striking all of said line and inserting in lieu thereof the following: "surgeon in this state, shall be taxed or made"; and further amend line 4 of said page, by inserting after "calling," the following: "**and, after December 31, 2003, no investment funds service corporation as defined in section 143.451, RSMo, may be required to pay any such license fee in excess of twenty-five thousand dollars annually,**".

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 61, Section 313.826, Line 13, by deleting "winnings of six hundred" and inserting in lieu thereof the following: "**electric gaming device or table game jackpots of twelve hundred**".

Senator Mathewson moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Goode offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 7, Section 32.057, Line 18 of said page, by inserting immediately after said line the following:

"59.319. 1. A user fee of four dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instrument. The state portion of the fee shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and deposited in a recorder's fund and not in county general revenue for record storage, microfilming, and preservation, including anything necessarily pertaining thereto. The recorder's funds shall be kept in a special fund by the treasurer and shall be budgeted and expended at the direction of the recorder and shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the recorder's office without the express consent of the recorder. The recorder's fund may be audited by the appropriate auditing agency, and any unexpended balance shall be left in the fund to accumulate from year to year with interest.

2. An additional fee of [three] **five** dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any [instruments specified in subdivisions (1) and (2) of section 59.330] **instrument**. The fees collected from this additional [three] **five** dollars per recorded instrument shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury.

3. The state treasurer and the commissioner of administration shall establish an appropriate account within the state treasury and in accordance with the state's accounting methods. Any receipt required by this section to be deposited in the general revenue fund shall be credited as follows: the amount of one dollar for each fee collected under subsection 1 of this section to an account to be utilized for the purposes of sections [60.500] **60.510** to 60.610, RSMo; the amount of one dollar for each fee collected under subsection 1 of this section to an account to be utilized by the secretary of state for additional preservation of local records; and the amount of [three] **five** dollars collected under subsection 2 of this section into the Missouri housing trust fund as designated in section 215.034, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 7** is out of order, as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Goode, **SA 7** was withdrawn, rendering the point of order moot.

Senator Goode offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Pages 26-28, Section 144.025 of said pages, by striking all of said section and inserting in lieu thereof the following:

"144.025. 1. Notwithstanding any other provisions of law to the contrary, in any retail sale other than retail sales governed by subsections [3] **4 and 5** of this section, where any article **on which sales or use tax has been paid, credited or otherwise satisfied or which was exempted or excluded from sales or use tax** is taken in trade as a credit or part payment on the purchase price of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the actual allowance made for the article traded in or exchanged, if there is a bill of sale or other record showing the actual allowance made for the article traded in or exchanged. **Where the article being traded in for credit or part payment is a motor vehicle, trailer, boat or outboard motor the person trading in the article must be the owner or holder of a properly assigned certificate of ownership. For the purpose of determining sales or use tax liability from a sale of a motor vehicle, trailer, boat or outboard motor, no deduction shall be allowed from the purchase price of the motor vehicle, trailer, boat or outboard motor for the actual allowance of any article other than a motor vehicle, trailer, boat or**

outboard motor traded or exchanged as a credit or partial payment for such item. Where the purchaser of a motor vehicle, trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased article there shall be no sales or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner or holder of the properly assigned certificate of ownership if the seller purchases or contracts to purchase a subsequent motor vehicle, trailer, boat, or outboard motor within one hundred eighty days before or after the date of the sale of the original article and a notarized bill of sale showing the paid sale price is presented to the department of revenue at the time of licensing. A copy of the bill of sale shall be left with the licensing office. Where the subsequent motor vehicle, trailer, boat, or outboard motor is titled more than one hundred eighty days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this section shall be made if the person titling such article establishes that the purchase or contract to purchase was finalized prior to the expiration of the one hundred eighty-day period.

2. As used in this section, the term "boat" includes all motorboats and vessels, as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

3. As used in this section, the term "motor vehicle" includes motor vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section 301.010, RSMo.

4. The provisions of subsection 1 of this section shall not apply to retail sales of manufactured homes in which the purchaser receives a document known as the "Manufacturer's Statement of Origin" for purposes of obtaining a title to the manufactured home from the department of revenue of this state or from the appropriate agency or officer of any other state.

5. Any purchaser of a motor vehicle or trailer used for agricultural use by the purchaser shall be allowed to use as an allowance to offset the sales and use tax liability towards the purchase of the motor vehicle or trailer any grain or livestock produced or raised by the purchaser. The director of revenue may prescribe forms for compliance with this subsection."

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Cauthorn offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 7, Section 32.057, Line 18 of said page, by inserting after all of said line the following:

"34.010. 1. The term "department" as used in this chapter shall be deemed to mean department, office, board, commission, bureau, institution, or any other agency of the state, except the legislative and judicial departments.

2. The term "negotiation" as used in this chapter means the process of selecting a contractor by the competitive methods described in this chapter, whereby the commissioner of administration can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.

3. The term "purchase" as used in this chapter shall include the rental or leasing of any equipment, articles or things.

4. The term "supplies" used in this chapter shall be deemed to mean supplies, materials, equipment, contractual services and any and all articles or things, except for utility services regulated under chapter 393, RSMo, or as in this chapter otherwise provided.

5. The term "reverse auction" used in this chapter shall mean a procurement method wherein bidders are invited to bid on specified goods or nonprofessional services through real-time electronic bidding, with the award being made to the first, lowest, responsive, and responsible bidder. During the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening.

34.031. 1. The commissioner of administration, in consultation with the environmental improvement and energy resources authority of the department of natural resources, shall give full consideration to the purchase of products made from materials recovered from solid waste and to the reduction and ultimate elimination of purchases of products manufactured in whole or in part of thermoformed or other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC). Products that utilize recovered materials of a price and quality comparable to products made from virgin materials shall be sought and purchased, with particular emphasis on recycled oil, retread tires, compost materials and recycled paper products. The commissioner shall exercise a preference for such products if their use is technically feasible and, where a bid is required, their price is equal to, or less than, the price of items which are manufactured or produced from virgin materials. Products that would be inferior, violate safety standards or violate product warranties if the provisions of this section are followed may be excluded from the provisions of this section.

2. The commissioner of administration shall:

(1) Review the procurement specifications in order to eliminate discrimination against the procurement of recycled products;

(2) Review and modify the contract specifications for paper products and increase the minimum required percentage of recycled paper in each product as follows:

(a) Forty percent recovered materials for newsprint;

(b) Eighty percent recovered materials for paperboard;

(c) Fifty percent waste paper in high grade printing and writing paper;

(d) Five to forty percent in tissue products;

(3) Support federal incentives and policy guidelines designed to promote these goals;

(4) Develop and implement a cooperative procurement policy to facilitate bulk order purchases and to increase availability of recycled products. The policy shall be distributed to all state agencies and shall be made available to political subdivisions of the state[;

(5) Conduct a survey using existing staff of those items customarily required by the state that are manufactured in whole or part from polystyrene plastic, and report its findings, together with an analysis of environmentally acceptable alternatives thereto, prepared in collaboration with the department of natural resources, to the general assembly and every state agency within six months of August 28, 1995].

3. Notwithstanding the provisions of this section, no state agency may purchase any food or beverage containers or wrapping manufactured from any polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental Protection Agency (EPA) to be an ozone-depleting chemical.

4. No state agency may purchase any items made in whole or part of thermoformed or other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental Protection Agency (EPA) to be an ozone-depleting chemical without approval from the commissioner of administration. Approval shall not be granted unless the purchasing agency demonstrates to the satisfaction of the director of the department of natural resources and the commissioner that there is no environmentally more acceptable alternatives or the quality of such alternatives is not adequate for the purpose intended.

5. For each paper product type and corresponding recycled paper content standard pursuant to subdivision (2) of subsection 2 of this section, attainment goals for the percentage of paper products to be purchased that utilize post-consumer recovered materials shall be[:

- (1) Ten percent in 1991 and 1992;
- (2) Twenty-five percent in 1993 and 1994;
- (3) Forty percent in 1995; and
- (4)] sixty percent by 2000.

6. In the review of capital improvement projects for buildings and facilities of state government, the commissioner of administration shall direct the division of design and construction to give full consideration to alternatives which use solid waste, as defined in section 260.200, RSMo, as a fuel for energy production or which use products composed of materials recovered from solid waste.

7. The commissioner of administration, in consultation with the environmental improvement and energy resources authority of the department of natural resources, shall prepare and provide by January first of each year an annual report summarizing past activities and accomplishments of the program and proposed goals of the program including projections for each affected agency. The report shall also include a list of products utilizing recovered materials that could substitute for products currently purchased and a schedule of amounts purchased of products utilizing recovered materials compared to purchases of similar products utilizing virgin materials for the period covered by the annual report.

8. The office of administration, department of natural resources and department of economic development shall cooperate jointly and share to the greatest extent possible, information and other resources to promote:

- (1) Producers or potential producers of secondary material goods to expand or develop their product lines;
- (2) Increased demand for secondary materials recovered in Missouri; and
- (3) Increased demand by state government for products which contain secondary materials recovered in Missouri.

9. The commissioner of administration may increase minimum recycled content percentages for paper products, minimum recycled content percentages for other recycled products and establish minimum post-consumer content as such products become available. The preference provided in subsection 1 of this section shall apply to the minimum standards established by the commissioner.

34.032. 1. The provisions of section 34.040 to the contrary notwithstanding, each department and agency of the state government, including the general assembly, shall purchase, in the manner provided by law, and use recycled paper when recycled paper can be obtained that is comparable to the quality presently used by the department or agency and if the price is competitive. [For the purposes of this section, "competitive" means a price within ten percent of the price of items which are manufactured or produced from virgin materials.] Attainment goals for the percentage of paper products to be purchased that utilize post-consumer recovered materials shall be[:

- (1) Ten percent in 1991 and 1992;
- (2) Twenty-five percent in 1993 and 1994;
- (3) Forty percent in 1995; and
- (4)] sixty percent by 2000.

2. Each department and agency of state government shall also purchase a minimum of fifteen percent recycled motor

oil for use in motor vehicles.

3. Each department and agency of state government shall cause to be recycled:

(1) A minimum of twenty-five percent of paper products used or fifty percent of the paper disposed of, whichever is greater;

(2) Seventy-five percent of all used motor oil.

4. Each department and state agency shall, to the maximum extent practicable, separate plastics, paper, metals and other recyclable items [by July 1, 1990].

5. [By January 1, 1990,] Each department and state agency shall develop, in cooperation with the office of administration, and implement a policy for recycling and waste reduction. Each department and agency shall collect and recycle waste paper and empty aluminum beverage containers generated by employee activity. The office of the governor and the general assembly shall implement a policy for recycling and waste reduction and shall collect and recycle waste paper and aluminum beverage containers generated within its facilities. Recycling programs for agency offices located outside of the city of Jefferson may be coordinated through the office of administration or operated locally provided that the office of administration reviews and approves such programs. Proceeds from the sale of recycled materials may be used to offset costs of the recycling program. Any moneys found by the office of administration to be in excess of costs incurred shall be transferred to the department of social services to be used by the heating assistance program pursuant to sections 660.100 to 660.135, RSMo.

6. The department of higher education, in cooperation with the office of administration and state colleges and universities, shall develop and distribute guidelines for waste reduction and the collection of recyclable materials generated in classrooms, administrative offices, dormitories, cafeterias and similar campus locations.

7. Bid specifications for solid waste management services issued by any department or agency of state government shall be designed to meet the objectives of sections 260.255 to 260.325, RSMo, encourage small businesses to engage and compete in the delivery of waste management services and to minimize the long run cost of managing solid waste. Bid specifications shall enumerate the minimum components and minimum quantities of waste products which shall be recycled by the successful bidder. Bids for solid waste management services to state departments and agencies located within the seat of government shall be issued in units in order to maximize opportunities for small business to provide solid waste management services to the state. Each department and agency shall designate one person in an existing position to serve as a solid waste management coordinator to ensure that the agency and the office of administration cooperate to meet the requirements of this section.

34.062. The negotiated underwriting of obligations issued by or on behalf of this state, any state governmental entity, or any state agency, shall be senior managed by underwriting firms headquartered in this state, as long as such companies are qualified and price competitive.

34.070. In making purchases, the commissioner of administration shall give preference to all commodities manufactured, mined, produced or grown within the state of Missouri and to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals, when quality is equal or better and delivered price is the same or less. **The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable.**

34.073. 1. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give preference to all firms, corporations, or individuals doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business, when the quality of performance promised is equal or better and the price quoted is the same or less. **The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable.**

2. Notwithstanding the requirements of subsection 1 of this section, the commissioner of administration shall give

further preference as required by section 34.076."; and

Further amend said bill, Page 78, Section 2, Line 27 of said page, by inserting after all of said line the following:

"[34.065. Where, because of the large number of possible bidders for a particular purchase, it is impractical to submit a request for a bid to all possible bidders each time a bid is requested, request shall be made in rotation pursuant to the regulation of the commissioner of administration so as ultimately to include all the possible bidders, except that recognized competitive bidders shall be solicited in each instance.]

[34.130. On or before May first of each year, each department shall submit to the commissioner of administration a classified list of its estimated needs for supplies for the following fiscal year. The commissioner of administration shall consolidate these and may purchase the entire amount or such part thereof at one time as he shall deem best. Any contract for such purchases may provide only the price at which the supplies needed during the year shall be purchased and that the supplies shall be delivered in such amounts and at such times as ordered throughout the year and be paid for at such time and for such amounts as delivered. In such case, certification from the commissioner of administration and the auditor shall be required only for the amount ordered at any time.]"; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Cauthorn offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 15, Section 136.325, Line 21 of said page, by inserting after all of said line the following:

"142.028. 1. As used in this section, the following terms mean:

(1) "Fuel ethanol", one hundred ninety-eight proof ethanol denatured in conformity with the United States Bureau of Alcohol, Tobacco and Firearms' regulations and fermented and distilled in a facility whose principal (over fifty percent) feed stock is cereal grain or cereal grain by-products;

(2) "Fuel ethanol blends", a mixture of ninety percent gasoline and ten percent fuel ethanol in which the gasoline portion of the blend or the finished blend meets the American Society for Testing and Materials - specification number D-439;

(3) "Missouri qualified fuel ethanol producer", any producer of fuel ethanol whose principal place of business and facility for the fermentation and distillation of fuel ethanol is located within the state of Missouri and is at least fifty-one percent owned by agricultural producers actively engaged in agricultural production for commercial purposes, and which has made formal application, posted a bond, and conformed to the requirements of this section.

2. The "Missouri Qualified Fuel Ethanol Producer Incentive Fund" is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified fuel ethanol producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. On or before December 31, 2011, the department shall assess a surcharge of eighteen dollars on all petroleum products within this state which are enumerated by section 414.032, RSMo. Except as specified by this section, such surcharge shall be administered pursuant to the provisions of subsections 1 to 3 of section 414.102, RSMo, and subsections 1 and 2 of section 414.152, RSMo. Such surcharge shall be imposed upon such petroleum products within this state and shall be assessed on each transport load, or the equivalent of an average transport load if moved by other means. Fifty-five percent of the revenue generated by the assessment of such surcharges shall be deposited to the credit of the Missouri qualified fuel ethanol producer incentive fund. The remaining forty-five percent shall be deposited to the credit of the Missouri qualified biodiesel incentive fund

created pursuant to section 142.031. Railroad corporations as defined in section 388.010, RSMo, and airline companies as defined in section 155.010, RSMo, shall not be subject to the load fee described in this chapter. The department shall have rule making authority to collect and distribute the surcharges imposed in this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

4. A Missouri qualified fuel ethanol producer shall be eligible for a monthly grant from the fund, except that a Missouri qualified fuel ethanol producer shall only be eligible for the grant for a total of sixty months unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which they were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified fuel ethanol production to be produced from Missouri agricultural products for the succeeding calendar month, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified fuel ethanol producer shall be eligible for a total grant in any fiscal year equal to twenty cents per gallon for the first twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the fiscal year plus five cents per gallon for the next twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the fiscal year. All such qualified fuel ethanol produced by a Missouri qualified fuel ethanol producer in excess of twenty-five million gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection [4] 5 of this section. If actual production of qualified fuel ethanol during a particular month either exceeds or is less than that estimated by a Missouri qualified fuel ethanol producer, the department of agriculture shall adjust the subsequent monthly grant by paying additional amount or subtracting the amount in deficiency by using the calculation described in this subsection.

[4.] 5. In order for a Missouri qualified fuel ethanol producer to obtain a grant from the fund for a particular month, an application for such funds shall be received no later than fifteen days prior to the first day of the month for which the grant is sought. The application shall include:

- (1) The location of the Missouri qualified fuel ethanol producer;
- (2) The average number of citizens of Missouri employed by the Missouri qualified fuel ethanol producer in the preceding quarter, if applicable;
- (3) The number of bushels of Missouri agricultural commodities used by the Missouri qualified fuel ethanol producer in the production of fuel ethanol in the preceding quarter;
- (4) The number of gallons of qualified fuel ethanol the producer expects to manufacture during the month for which the grant is applied;
- (5) A copy of the qualified fuel ethanol producer license required pursuant to subsection [5] 6 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection [5] 6 of this section; and
- (6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified fuel ethanol producers.

[5.] 6. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section. The director shall also establish procedures for bonding Missouri qualified fuel ethanol producers. Each Missouri qualified fuel ethanol producer who

attempts to obtain moneys pursuant to this section shall be bonded in an amount not to exceed the estimated maximum monthly grant to be issued to such Missouri qualified fuel ethanol producer.

[6.] 7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

142.031. 1. As used in this section the following terms shall mean:

(1) "Biodiesel", fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels;

(2) "Qualified biodiesel producer", a facility that produces biodiesel, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, and at least fifty-one percent is owned by agricultural producers actively engaged in agricultural production for commercial purposes.

2. The "Missouri Qualified Biodiesel Producer Incentive Fund" is hereby created and subject to appropriations with funds, other than general revenue funds, **including funds assessed pursuant to subsection 2 of section 142.028**, shall be used to provide economic subsidies to Missouri qualified biodiesel producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the fund, except that a Missouri qualified biodiesel producer shall only be eligible for the grant for a total of sixty months. The amount of the grant is determined by calculating the estimated gallons of qualified biodiesel produced during the preceding month from Missouri agricultural products, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of fifteen gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section.

4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund, an application for such funds shall be received no later than fifteen days following the last day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified biodiesel producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified biodiesel producer in the preceding month, if applicable;

(3) The number of bushel equivalents of Missouri agricultural commodities used by the Missouri qualified biodiesel producer in the production of biodiesel in the preceding month;

(4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied;

(5) A copy of the qualified biodiesel producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion failed.

Senator Gross assumed the Chair.

Senator Dolan offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 63, Section 338.550, Line 17, by inserting immediately after said line the following:

"479.051. 1. Any city, county or township may provide by ordinance an administrative adjudication system for adjudicating parking and other non-moving municipal code violations to the extent permitted by court rules. The adoption by a city, county, or township of an administrative adjudication system does not preclude the city, county, or township from using other methods to enforce ordinances. This statute shall not affect the validity of other administrative adjudication systems authorized by state law and created prior to the effective date of this statute.

2. An ordinance establishing an administrative adjudication system shall provide for an administrative adjudication unit or alternative, which could include the municipal division of a circuit court, define the jurisdiction and role of that unit and describe the means by which the municipality shall provide suitable facilities and operating resources for operating the administrative adjudication system. The ordinance shall designate the types of municipal code violations deemed appropriate for administrative adjudication consistent with applicable state law. The administrative adjudication unit shall operate under the supervision of the circuit court.

3. The administrative adjudication unit, as provided in this section, shall establish and maintain a system for adjudicating parking violations and any other municipal code violations designated for administrative adjudication by ordinance. The administrative adjudication system shall include operating policies and procedures, including but not limited to, appeal criteria, documentation requirements, notification deadlines, and forms, subject to the approval of the circuit court. The administrative adjudication system shall afford parties due process of law.

4. The adjudication process may involve a one-step administrative hearing or a two-step administrative review and administrative hearing. If the city, county, or township adopts a one-step process, individuals must apply for an administrative hearing to contest a municipal code violation. If the city, county, or township adopts a two-step process, individuals must first apply for an administrative review to contest a municipal code violation and then, if dissatisfied with the results of the administrative review, may apply for an administrative hearing. Any failure to request an administrative review or hearing in accordance with the rules established by the administrative adjudication unit, as provided in this section, shall be considered an admission of liability.

5. The administrative reviews and hearings authorized pursuant to this section shall be designed to ensure a fair and impartial consideration of the contested code violation. The formal and technical rules of evidence shall not

apply in any administrative review or hearing authorized pursuant to this section. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The officer or person who issued the notice of municipal code violation shall not be required to participate in an administrative review or hearing. The agency that issued the municipal code violation need not produce any evidence other than the notice of municipal code violation or copy thereof and information received from an appropriate state or local agency identifying the property owner of record. Such documentation in proper form shall be prima facie evidence of the municipal code violation.

6. An administrative review shall entail an informal review process through which the individual may contest a municipal code violation by mail, in person or other means approved by the administrative adjudication unit, as provided in subsection 2 of this section. The individual's right to an administrative review shall expire if the city does not receive a documented challenge to the municipal code violation within seven calendar days of issuing the original violation or the time period prescribed by local ordinance, whichever is later. In a city, county, or township adopting the two-step administrative adjudication process, individuals who fail to exercise their right to an administrative review in accordance with the prescribed rules shall also lose their right to an administrative hearing. The administrative adjudication unit, as provided in subsection 2 of this section, shall appoint or contract with qualified individuals to conduct administrative reviews.

7. An administrative hearing shall entail a formal hearing through which the individual may contest a municipal code violation or, for a city, county, or township with a two-step appeal process, an administrative review finding in person before an administrative hearing officer. Administrative hearings shall be scheduled with reasonable promptness and any notice of an administrative hearing shall include the code violation type and nature, the administrative hearing date and location, the legal authority and jurisdiction of the administrative adjudication unit, as provided in this section, and the penalties for failing to appear at the hearing. The individual's right to an administrative hearing shall expire if the city does not receive a written challenge to the administrative review results within seven calendar days of notifying the individual of the results of the administrative review or, if the municipality has a one-step appeal process, fourteen calendar days of issuing the original violation.

8. The administrative adjudication unit, as provided in this section, shall appoint or contract with qualified administrative hearing officers to preside over administrative hearings. As impartial and independent fact finders, administrative hearing officers may:

- (1) Hear testimony and review relevant evidence;
- (2) Issue subpoenas directing witnesses to appear and give relevant testimony;
- (3) Preserve and authenticate hearing records and evidence;
- (4) Issue written findings of fact and conclusions of law, including the fine, penalty, or action with which the parties must comply; and
- (5) Impose penalties and assess costs consistent with applicable law.

An administrative hearing officer shall be an attorney licensed to practice law in the state of Missouri for at least three years and possess sufficient competence to adjudicate municipal code violations, including, but not limited to, experience in administrative law, familiarity with the rules of procedure for administrative hearings, and a working knowledge of each subject area of the municipal code violations that they will adjudicate. An administrative hearing officer's employment and compensation shall not, directly or indirectly, be linked to the amount of fines. The municipality may establish additional policies and procedures for ensuring that administrative hearing officers demonstrate the objectivity and qualifications necessary to conduct fair, impartial, and expeditious hearings.

9. An administrative adjudication unit may not impose a penalty of incarceration or a fine in excess of the amount allowed by state or local law. Any fine, other sanction, or costs imposed, or part of any fine, other

sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures pursuant to chapter 536, RSMo, are a debt due and owing the municipality and may be collected in accordance with applicable law. Any fine, sanction, costs, or other charges assessed by the administrative adjudication unit shall be deposited into the municipal treasury in accordance with applicable state and local laws and rules for that particular municipality.

10. Any final decision by an administrative adjudication unit, as provided in this section, that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review pursuant to chapter 536, RSMo.

11. After expiration of the period in which judicial review pursuant to chapter 536, RSMo, may be sought for a final determination of a municipal code violation, unless stayed by a court of competent jurisdiction, the findings of fact and conclusions of law of the administrative hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. If a defendant fails to comply with an order of the administrative hearing officer, any expenses incurred by the municipality to enforce the order, including, but not limited to, attorney, court, administrative, vehicle storage, and property demolition or foreclosure costs, after they are fixed by an administrative hearing officer or a court of competent jurisdiction, shall be a debt due the municipality and may be collected in accordance with applicable law. Upon being recorded in the manner required by state law or the uniform commercial code, a lien may be imposed on the real or personal property, or both, of the defendant in the amount of any debt due the municipality pursuant to this section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 13, Section 71.620, Line 17, by inserting after all of said line the following:

"92.110. Any constitutional charter city in this state which now has or may hereafter acquire a population in excess of seven hundred thousand inhabitants, according to the last federal decennial census, except a city located not within a county which has requirements for any person applying for or holding a position of peace officer, as defined in subdivision (3) of section 590.010, RSMo, to reside within the limits of such city as a condition of employment, is hereby authorized to levy and collect, by ordinance, for general revenue purposes, an earnings tax on the salaries, wages, commissions and other compensation earned by its residents; on the salaries, wages, commissions and other compensation earned by nonresidents of the city for work done or services performed or rendered in the city; on the net profits of associations, business or other activities conducted by residents; on the net profits of associations, businesses or other activities conducted in the city by nonresidents; and on the net profits earned by all corporations as the result of work done or services performed or rendered and business or other activities conducted in the city."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Bray raised the point of order that **SA 12** is out of order, as the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Shields, **HCS** for **HB 600**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 12** and the point of order (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SB 695**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 2** for **SB 224**; **SCS** for **SB 238**; **SB 250**; **SCS** for **SB 269**; and **SB 456**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 288**, with **SCS**; **HCS** for **HBs 517, 94, 149, 150** and **342**, with **SCS**; **HS** for **HB 668**, with **SCS**; and **SB 236** to the Committee on Govern-mental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on pages 1022 through 1023 of the Senate Journal for Monday, April 28, 2003, to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SS** for **SCS** for **SBs 556** and **311**, entitled:

An Act to repeal sections 197.725, 198.006, 198.015, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.085, 198.086, 198.093, 198.105, 198.525, 198.526, 198.532, 565.186, 565.188, 570.145, 630.140, 630.165, 630.167, 660.078, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, 660.320, and 660.603, RSMo, and to enact in lieu thereof forty-five new sections relating to the protection of the elderly, with penalty provisions and an emergency clause for a certain section.

With House Amendment Nos. 1, 2, 3 and 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Pages 23 and 24, Section 208.225, Lines 1 to 37, by deleting all of said lines; and

Further amend said bill, Pages 49 and 50, Section B, Lines 1 to 6, by striking said Section from the bill; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 2, Section 197.500, Lines 7 and 8, by deleting all of said lines and inserting in lieu thereof the following:

"RSMo. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a

reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation."; and

Further amend said bill, Page 9, Section 198.036, Line 18, by inserting after the words "**convicted of**" the following: ", **or pled guilty or nolo contendere to**"; and

Further amend said bill, Pages 12 and 13, Section 198.067, Lines 91 and 92, by deleting all of said lines and inserting in lieu thereof the following: "licensed to the facility, up to a maximum of ten thousand dollars pursuant to subsections 1 and 2 of this section. The liability of the facility for civil penalties pursuant to this"; and

Further amend said bill, Page 15, Section 198.070, Lines 77 and 78, by deleting all of said lines and inserting in lieu thereof the following:

"purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation."; and

Further amend said bill, Pages 16 and 17, Section 198.085, Lines 1 to 9, by deleting all of said lines; and

Further amend said bill, Page 17, Section 198.086, Line 1, by deleting the words "division of aging" and inserting in lieu thereof the following: "[division of aging] **department of health and senior services**"; and

Further amend said bill, Pages 18 and 19, Section 198.093, Lines 1 to 36, by deleting all of said lines; and

Further amend said bill, Page 30, Section 630.167, Line 42, by inserting the word "**of**" after the word "copies"; and

Further amend said bill, Page 32, Section 630.167, Line 86, by deleting the number "6042" and inserting in lieu thereof the following: "[6042] **Sections 15042 to 15044**"; and

Further amend said bill, Page 33, Section 660.078, Line 5, by deleting the words "division of aging" and inserting in lieu thereof the following: "[division of aging]"; and

Further amend said bill, Page 38, Section 660.300, Lines 94 to 96, by deleting all of said lines and inserting in lieu thereof the following:

"in-home services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation. Any in-home services provider agency or home health agency that"; and

Further amend said bill, Page 47, Section 660.603, Lines 6 and 7, by deleting all of said lines and inserting in lieu thereof the following:

"2. The office shall be administered by the state ombudsman, who shall devote his or her entire time to the duties of his or her position."; and

Further amend said bill, Page 49, Section 660.603, Line 50, by inserting after the word "**rule**" the following: "**in**

accordance with chapter 536, RSMo,"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Pages 5 and 6, Section 198.015, Lines 1 to 53, by deleting all of said lines and inserting in lieu thereof the following:

"198.015. 1. No person shall establish, conduct or maintain a residential care facility I, residential care facility II, intermediate care facility, or skilled nursing facility in this state without a valid license issued by the department. Any person violating this subsection is guilty of a class A misdemeanor. **Any person violating this subsection wherein abuse or neglect of a resident of the facility has occurred is guilty of a class D felony. The department of health and senior services shall investigate any complaint concerning operating unlicensed facilities. For complaints alleging abuse or neglect, the department shall initiate an investigation within twenty-four hours. All other complaints regarding unlicensed facilities shall be investigated within forty-five days.**

2. If the department determines the unlicensed facility is in violation of sections 198.006 to 198.186, the department shall immediately notify the local prosecuting attorney or attorney general's office.

3. Each license shall be issued only for the premises and persons named in the application. A license, unless sooner revoked, shall be issued for a period of up to two years, in order to coordinate licensure with certification in accordance with section 198.045.

[3.] 4. If during the period in which a license is in effect, a licensed operator which is a partnership, limited partnership, or corporation undergoes any of the following changes, or a new corporation, partnership, limited partnership or other entity assumes operation of a facility whether by one or by more than one action, the current operator shall notify the department of the intent to change operators and the succeeding operator shall within ten working days of such change apply for a new license:

(1) With respect to a partnership, a change in the majority interest of general partners;

(2) With respect to a limited partnership, a change in the general partner or in the majority interest of limited partners;

(3) With respect to a corporation, a change in the persons who own, hold or have the power to vote the majority of any class of securities issued by the corporation.

[4.] 5. Licenses shall be posted in a conspicuous place on the licensed premises.

[5.] 6. Any license granted shall state the maximum resident capacity for which granted, the person or persons to whom granted, the date, the expiration date, and such additional information and special limitations as the department by rule may require.

[6.] 7. The department shall notify the operator at least sixty days prior to the expiration of an existing license of the date that the license application is due. Application for a license shall be made to the department at least thirty days prior to the expiration of any existing license.

[7.] 8. The department shall grant an operator a temporary operating permit in order to allow for state review of the application and inspection for the purposes of relicensure if the application review and inspection process has not been completed prior to the expiration of a license and the operator is not at fault for the failure to complete the application review and inspection process.

[8.] 9. The department shall grant an operator a temporary operating permit of sufficient duration to allow the department to evaluate any application for a license submitted as a result of any change of operator.; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 12, Section 198.067, Line 72, by inserting after the word "**facilities.**" the following:

"Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 298**, entitled:

An Act to repeal sections 311.080, 311.097, 311.098, 311.102, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.401, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof nineteen new sections relating to liquor control, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, and 10.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 4, Section 311.102, Lines 12 and 13, by deleting all of said lines and inserting in lieu thereof the following: "more which is located in more than one county [which has occupancy capacity for patrons of at least three hundred and] which has gross annual sales in excess of two hundred fifty thousand"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 12, Section 1, Line 36, by inserting at the end of said line the following: "**This section shall fully preempt and supersede any ordinances, rules, or regulations made by an city, county, or other political subdivision of the state of Missouri which regulate the selling, labeling, or registering of kegs. This section shall not impose any new or additional civil or criminal liability upon the retail licensee.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 11, Section 312.410, Line 7, by inserting after all of said line the following:

"573.505. 1. In order to defray the costs of background checks conducted pursuant to section 573.503, any city not within a county and any county may, by ordinance or order, impose a sales tax on all retail sales which are subject to

taxation under the provisions of sections 144.010 to 144.510, RSMo, made in such city or county by any adult cabaret. The tax authorized by this section shall not be levied at a rate which would amount to a sum greater than [ten] **five** percent of the gross receipts of any such business. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order or ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the city or county submits to the voters of the city or county, at a city, county or state general, primary, or special election, a proposal to authorize the governing body of the city or county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the city or county of (city's or county's name) impose a sales tax upon adult cabarets of (Insert amount) for a period not to exceed (Insert number) years for the purpose of investigating the background of the employees of such businesses?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city or county shall have no power to impose the sales tax authorized by this section unless and until the governing body of the city or county shall again have submitted another proposal to authorize the governing body of the city or county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a city or county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used by the city or county solely for the investigation of the backgrounds of persons employed at any adult cabaret in such city or county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

4. The tax authorized by this section shall terminate four years from the date on which such tax was initially imposed by the city or county, unless sooner abolished by the governing body of the city or county.

5. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "City and County Background Check Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city or county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the city or county treasurer of each such city or county, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city or county.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance

in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

8. As used in this section, the term "city" means any city not within a county.

573.509. 1. No person less than nineteen years of age shall dance in an adult cabaret as defined in section 573.500, nor shall any proprietor of such establishment permit any person less than nineteen years of age to dance in an adult cabaret.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 10, Section 311.401, Line 12, by inserting after all of said line the following:

"311.480. 1. It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor **or nonintoxicating beer**, to permit the drinking or consumption of intoxicating liquor **or nonintoxicating beer**, in[, on, or about] the premises [between 10:00 p.m. and 6:00 a.m. the following day], without having a license as in this section provided.

2. Application for such license shall be made to the supervisor of liquor control on forms to be prescribed by him, describing the premises to be licensed and giving all other reasonable information required by the form. The license shall be issued upon the payment of the fee required in this section. A license shall be required for each separate premises and shall expire on the thirtieth day of June next succeeding the date of such license. The license fee shall be sixty dollars per year and the applicant shall pay five dollars for each month or part thereof remaining from the date of the license to the next succeeding first of July. Applications for renewals of licenses shall be filed on or before the first of May of each year.

3. The drinking or consumption of intoxicating liquor **or nonintoxicating beer** shall not be permitted in **or**[,] upon[, or about] the licensed premises by any person under twenty-one years of age, or by any other person between the hours of 1:30 a.m. and 6:00 a.m. on any weekday, and between the hours of [12:00 midnight Saturday] **1:30 a.m. Sunday** and [12:00 midnight Sunday] **6:00 a.m. Monday**. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this section and the regulations promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating liquor **or nonintoxicating beer** by the drink. The provision of this section regulating the drinking or consumption of intoxicating liquor **or nonintoxicating beer** between certain hours and on Sunday shall apply also to premises licensed under this chapter to sell intoxicating liquor **or nonintoxicating beer** by the drink. In any incorporated city having a population of more than twenty thousand inhabitants, the board of aldermen, city council, or other proper authorities of incorporated cities may, in addition to the license fee required in this section, require a license fee not exceeding three hundred dollars per annum, payable to the incorporated cities, and provide for the collection thereof; make and enforce ordinances regulating the hours of consumption of intoxicating liquors **or nonintoxicating beer** on premises licensed hereunder, not inconsistent with the other provisions of this law, and provide penalties for the violation thereof. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village.

4. Any premises operated in violation of the provisions of this section, or where intoxicating liquor **or nonintoxicating**

beer is consumed in violation of this section, is hereby declared to be a public and common nuisance, and it shall be the duty of the supervisor of liquor control and of the prosecuting or circuit attorney of the city of St. Louis, and the prosecuting attorney of the county in which the premises are located, to enjoin such nuisance.

5. Any person operating any premises, or any employee, agent, representative, partner, or associate of such person, who shall knowingly violate any of the provisions of this section, or any of the laws or regulations herein made applicable to the conduct of such premises, is guilty of a class A misdemeanor.

6. The supervisor of liquor control is hereby empowered to promulgate regulations necessary or reasonably designed to enforce or construe the provisions of this section, and is empowered to revoke or suspend any license issued hereunder, as provided in this chapter, for violation of this section or any of the laws or regulations herein made applicable to the conduct of premises licensed hereunder.

7. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor **or nonintoxicating beer** during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the intoxicating liquor **or nonintoxicating beer** at retail.

8. No intoxicating liquor **or nonintoxicating beer** may be served or sold on any premises used as a polling place on election day."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 12, Section 1, Line 36, by inserting after all of said line the following:

"Section 2. Any establishment possessing or qualifying for a license to sell intoxicating liquor by the drink at retail in any city not within a county, any home rule city with more than four hundred thousand inhabitants and located in more than one county, and if such establishment is also located in a resort area, convention trade area, or enterprise zone area, the establishment may apply for a Sunday by the drink license between the hours of 9:00 a.m. and midnight on Sunday. Food sales shall not be a requirement for receiving a license pursuant to this section. The business establishment's annual gross receipts for the year immediately preceding the application for the Sunday by the drink license shall not have been less than one hundred fifty thousand dollars. Any new licensee possessing a license to sell intoxicating liquor by the drink at retail may apply for a temporary Sunday by the drink license and shall show a projection of annual gross receipts of not less than one hundred fifty thousand dollars. The license fee for such Sunday by the drink license shall be six hundred dollars per year. The license fee shall be prorated for the period of the license based on the cost of the annual license for the establishment."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 427** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS No. 2** for **SB 52** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS No. 2** for **SB 52**. Representatives: Fares, Cooper 120, Behnen, Zweifel, Fraser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 394**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 394**, as amended. Representatives: Byrd, Pratt, Johnson 90, Lipke, Vogt.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 448** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 448**. Representatives: Byrd, Goodman, Crowell, Johnson 61, Harris 23.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS No. 2** for **SB 224**; **SCS** for **SB 238**; **SB 250**; **SCS** for **SB 269**; and **SB 456**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SCS** for **SBs 299** and **40**, as amended: Senators Champion, Cauthorn, Gross, Kennedy and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 552**: Senators Yeckel, Loudon, Cauthorn, Mathewson and Coleman.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 811, regarding Timothy F. Noelker, St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 812, regarding Debra McCormack, which was adopted.

Senator Loudon offered Senate Resolution No. 813, regarding Patricia Johnson, which was adopted.

Senator Loudon offered Senate Resolution No. 814, regarding Dennis McFarland, which was adopted.

Senator Quick offered Senate Resolution No. 815, regarding Samuel Welsh "Sam" Johnsen, Kearney, which was adopted.

Senator Childers offered Senate Resolution No. 816, regarding Dr. Glen Cameron, Point Lookout, which was adopted.

Senator Cauthorn offered Senate Resolution No. 817, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Henry M. Webb, Monroe City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 818, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Del Tollenaar, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 819, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Vernard Tade, Unionville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 820, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Fisher, Middletown, which was adopted.

Senator Cauthorn offered Senate Resolution No. 821, regarding the Fiftieth Wedding Anniversary of the Reverend and Mrs. Joseph Antal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 822, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Edwin Richard, Bowling Green, which was adopted.

Senator Cauthorn offered Senate Resolution No. 823, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard Warren, Paris, which was adopted.

Senator Cauthorn offered Senate Resolution No. 824, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Davis Shulse, Center, which was adopted.

Senator Cauthorn offered Senate Resolution No. 825, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lowell Wilson, Novinger, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Gerald W. Moritz, M.D., St. Louis County.

Senator Vogel introduced to the Senate, Paula Wolken, and her son, Jacob, California; and Jacob was made an honorary page.

Senator Days introduced to the Senate, Sharon Brinker, and ten students from Salem Lutheran Church and School, St. Louis.

Senator Russell introduced to the Senate, members of the Camden County Republican Club.

Senator Kennedy introduced to the Senate, Glenn and Anna Branson, and Marlene Ragland, Farmington; and G. Richard Reney and Mildred Lee, Park Hills.

Senator Caskey introduced to the Senate, Mrs. Bonnie Manion, Mr. Richard Orr, Mrs. Carolyn Harms, Mrs. Becky Gallagher, and students from Windsor Elementary School, Henry County R-I, Henry County; and Devin Eggers, Morganne Foster, Kaitlin Eckhoff, Dustin Franklin and Taylor Gallagher were made honorary pages.

Senator Kennedy introduced to the Senate, Joseph C. Stewart, Jr., St. Louis.

Senator Kennedy introduced to the Senate, Joan Knott, Bonne Terre; Rose Ann Richards, Blackwell; Shirley Goodson,

Potosi; and Cyrilla Boyer, Park Hills.

Senator Gibbons introduced to the Senate, forty-five fourth grade students from St. Peters School, Kirkwood; and Lauren Krone, Stephanie Shelly, Karl Schwegmann, and Mac Moore were made honorary pages.

Senator Caskey introduced to the Senate, Daryl Veatch and Debbie Cook, Butler.

Senator Goode introduced to the Senate, Dwight McDaniel, and students from Christian School, St. Louis County; and Chelsey McBride, Kelvin Eggleston, Aisha DeBose, and Gregory McDaniel were made honorary pages.

Senator Scott introduced to the Senate, Amy Brashears, Marilyn Drake, and Marsha Eaton, Warsaw.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-THIRD DAY-WEDNESDAY, APRIL 30, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 688

HS for HB 481-Crowell

HS for HCS for HB 121-

Portwood

HCS for HB 138

HB 593-Deeken, et al

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)
SB 305-Jacob and Steelman
(In Fiscal Oversight)

SB 236-DePasco and Loudon
(In Fiscal Oversight)
SS for SB 242-Yeckel
SS#2 for SB 695-Goode and
Russell

SENATE BILLS FOR PERFECTION

SB 458-Childers
SBs 312, 49, 111, 113, 191,
206, 263, 404, 409, 418,
538, 550 & 584-Dolan, et al,
with SCS

SB 485-Shields, with SCS
SB 346-Yeckel, with SCS

SB 531-Childers, with SCS

SB 307-Steelman, with SCS

HOUSE BILLS ON THIRD READING

1. HS for HB 511-Deeken,
with SCS (Yeckel)

2. HB 444-Jackson, with
SCS (Yeckel)

3. HB 208-Engler, et al,
with SCS (Kinder)

4. HB 286-Bearden, with
SCS (Shields)

5. HCS for HB 144, with
SCS (Vogel)

6. HCS for HBs 346 & 174,
with SCS (Foster)

7. HCS for HB 288, with
SCS (Shields)

(In Fiscal Oversight)

8. HS for HCS for HB 257-
Munzlinger, with SCS
(Cauthorn)

9. HS for HCS for HBs 517, 94,
149, 150 & 342-Portwood,
with SCS (Gross)

(In Fiscal Oversight)

10. HB 445-Portwood, et al,
with SCS (Loudon)

11. HS for HCS for HB 156-

Phillips (Cauthorn)

12. HS for HB 668-Crawford,

with SCS (Dolan)

(In Fiscal Oversight)

13. HS for HB 470-Mayer,

with SCS (Bartle)

14. HB 198-Stevenson, et al

(Nodler)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 27-Gibbons, with SCS

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 209-Steelman, et al, with SCS

SB 217-Champion and Clemens,
with SS (pending)

SB 241-Yeckel, with SCS

SBs 248, 100, 118, 233, 247, 341
& 420-Gross, et al, with SCS &
SS for SCS (pending)

SB 253-Steelman, et al, with SCS,
SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,
331, 368, 369, 419, 484 &

581-Dolan, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,
with SCS & SS for SCS

(pending)

SBs 415, 88, 200, 223, 413, 523,
589 & 626-Yeckel, with SCS

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS, SS for
SCS & SA 2 (pending)

SB 446-Bartle, with SCS

SB 450-Mathewson, et al, with
SCS, SS for SCS & SA 2 (pending)

SB 455-Dougherty and Shields

SB 460-Loudon, with SS &

SA 1 (pending)

SB 476-Jacob

SB 564-Gross

SB 685-Gibbons, et al, with SCS

SB 693-Klindt, et al, with SCS

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HCS for HBs 122 & 80 (Bland)

HCS for HB 289, with SCS

(Steelman)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HS for HCS for HBs 349, 120,

136 & 328-Crawford (Caskey)

HCS for HB 390, with SCS

(Cauthorn)

HB 412-Goodman, et al

(Childers)

HCS for HB 600, with SCS, SS

for SCS, SS for SS for SCS,

SA 12 & point of order

(pending) (Shields)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 307-Merideth and

Shoemaker (Foster)

HB 505-Byrd and Villa,

with SCS (Mathewson)

Reported 4/15

HCS for HB 613, with SCS

(Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 16-Childers, with HCS

SCS for SB 61-Caskey, with HCS

SB 68-Childers, with HCS

SB 101-Caskey, with HCS

SCS for SB 130-Gross and

Dolan, with HCS

SB 136-Goode, with HCS

SB 175-Loudon, with HCS

SB 186-Cauthorn, with HCS

SCS for SBs 212 & 220-Bartle,

with HCS

SCS for SB 218-Goode, et al,

with HCS

SB 228-Griesheimer, with HCS

SB 266-Shields and Kennedy,

with HCS

SB 275-Russell, with HCS

SCS for SB 281-Shields, with HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 295-Shields, with HCS

SCS for SB 296-Griesheimer,

with HS for HCS, as amended

SS for SCS for SB 298-

Griesheimer, with HCS,

as amended

SB 301-Bray, with HCS

SB 325-Steelman, with HCS

SB 355-Stoll, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 373-Bartle, with HCS

SCS for SB 379-Champion, with

HCS

SB 399-Caskey, with HCS

SB 423-Childers, with HCA 1

SCS for SB 447-Bartle, with

HCA 1

SB 465-Bartle, with HCS

SB 468-Bartle, with HCA 1

SB 470-Bartle, with HCS

SB 474-Bartle, with HCS

SB 504-Clemens and Champion,

with HCS

SCS for SB 547-Caskey, with HCS

SS for SS for SCS for SBs 556 &

311-Kinder, with HCS, as amended

SCS for SB 592-Foster, with HCS

SCS for SB 666-Bland, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 52-Shields, with HCS

SCS for SBs 299 & 40-

Champion, et al, with HS,

as amended

SB 394-Bartle, with HCS,

as amended

SB 401-Dolan, et al, with HCS

SB 407-Klindt, with HCS

SB 448-Bartle, with HCS

SB 552-Yeckel, with HCS

Requests to Recede or Grant Conference

HCS for HB 427, with SCS (Bartle)

(House requests Senate

recede or grant conference)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al

SCR 18-Mathewson and

Steelman

HCR 11-Moore and Walton

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY--WEDNESDAY, APRIL 30, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"It was you who created my inmost self, and put me together in my mother's womb; for all these mysteries I thank you: for the wonder of myself, for the wonder of your works."
(Psalm 139:13, 14)

Gracious God, during these days help us to find time to care for our bodies, to eat right and exercise and make time for quieting our minds and silence for our souls. We will need energy and endurance for the days ahead and we ask that You help us achieve that and be still with You, our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV, the Associated Press, and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator		DePasco--1	

The Lieutenant Governor was present.

PRIVILEGED MOTIONS

Senator Kinder moved that **SS** for **SS** for **SCS** for **SBs 556** and **311**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SS** for **SCS** for **SBs 556** and **311**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 556 and 311

An Act to repeal sections 197.725, 198.006, 198.015, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.085, 198.086, 198.093, 198.105, 198.525, 198.526, 198.532, 565.186, 565.188, 570.145, 630.140, 630.165, 630.167, 660.078, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, 660.320, and 660.603, RSMo, and to enact in lieu thereof forty-five new sections relating to the protection of the elderly, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Kinder moved that **HCS** for **SS** for **SS** for **SCS** for **SBs 556** and **311**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Kinder, **HCS** for **SS** for **SS** for **SCS** for **SBs 556** and **311**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

REFERRALS

President Pro Tem Kinder referred **SS No. 2** for **SB 695** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 93**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Gross assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Shields moved that **HCS** for **HB 600**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 12** and the point of order (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

The President Pro Tem ruled the pending point of order not well taken.

SA 12 was again taken up.

At the request of Senator Steelman, the above amendment was withdrawn.

Senator Mathewson offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 15, Section 136.325, Line 21, by inserting after all of said line the following:

"143.121. 1. The Missouri adjusted gross income of a resident individual shall be his federal adjusted gross income subject to the modifications in this section.

2. There shall be added to his federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added under this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income under Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, [2003] **2004**, and to the extent the amount deducted exceeds the amount that would have been deductible under Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, except for any deduction for net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period not to exceed twenty years and carries backward for not more than two years.

3. There shall be subtracted from his federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes under the laws of the United States. The amount subtracted under this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining his federal adjusted gross income or included in his Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation under sections 143.011 to 143.996 of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in subsection 3 of section 144.747, RSMo, that would otherwise be included in federal adjusted gross income; and

(g) The amount that would have been deducted in the computation of federal taxable income under Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, [2003] **2004**, and to the

extent that amount exceeds the amount actually deducted under Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002.

4. There shall be added to or subtracted from his federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from his federal adjusted gross income the modifications provided in section 143.411."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 24, Section 143.225, Line 28 of said page, by inserting after all of said line the following:

"143.431. 1. The Missouri taxable income of a corporation taxable under sections 143.011 to 143.996 shall be so much of its federal taxable income for the taxable year, with the modifications specified in subsections 2 and 3 of this section, as [is derived from sources within] **apportioned to** Missouri as provided in section 143.451. The tax of a corporation shall be computed on its Missouri taxable income at the rates provided in section 143.071.

2. There shall be added to or subtracted from federal taxable income, the modifications to adjusted gross income provided in section 143.121 and the applicable modifications to itemized deductions provided in section 143.141. There shall be subtracted the federal income tax deduction provided in section 143.171. There shall be subtracted, to the extent included in [federal] **Missouri** taxable income, corporate dividends [from sources within Missouri].

3. (1) If an affiliated group of corporations files a consolidated income tax return for the taxable year for federal income tax purposes [and fifty percent or more of its income is derived from sources within this state as determined in accordance with section 143.451], then it may elect to file a Missouri consolidated income tax return. The federal consolidated taxable income of the electing affiliated group for the taxable year shall be its federal taxable income.

(2) So long as a federal consolidated income tax return is filed, an election made by an affiliated group of corporations to file a Missouri consolidated income tax return may be withdrawn or revoked only upon substantial change in the law or regulations adversely changing tax liability under this chapter; or, with permission of the director of revenue upon the showing of good cause for such action. After such a withdrawal or revocation with respect to an affiliated group, it may not file a Missouri consolidated income tax return for five years thereafter, except with the approval of the director of revenue, and subject to such terms and conditions as he may prescribe.

(3) No corporation which is part of an affiliated group of corporations filing a Missouri consolidated income tax return shall be required to file a separate Missouri corporate income tax return for the taxable year.

(4) For each taxable year an affiliated group of corporations filing a federal consolidated income tax return does not file a Missouri consolidated income tax return, for purposes of computing the Missouri income tax, the federal taxable income of each member of the affiliated group shall be determined as if a separate federal income tax return had been filed by each such member.

(5) The director of revenue may prescribe such regulations not inconsistent with the provisions of this chapter as he may deem necessary in order that the tax liability of any affiliated group of corporations making a Missouri consolidated income tax return, and of each corporation in the group, before, during, and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the Missouri taxable income [derived from sources within this state] and in order to prevent avoidance of such tax liability.

143.435. 1. As used in this section, the following terms mean:

(1) "**Affiliated group**", as defined in section 1504 of the Internal Revenue Code;

(2) "**Intangible expenses and costs**", includes:

(a) Expenses, losses, and costs for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance, or management, ownership, sale, exchange, or any other disposition of intangible property to the extent such amounts are allowed as deductions or costs in determining taxable income before operating loss deduction and special deductions for the taxable year under the Internal Revenue Code;

(b) Losses related to or incurred in connection directly or indirectly with factoring transactions or discounting transactions;

(c) Royalty, patent, technical, and copyright fees;

(d) Licensing fees; and

(e) Other similar expenses and costs;

(3) "Intangible property", patents, patent applications, trade names, trademarks, service marks, copyrights, and similar types of intangible assets;

(4) "Interest expenses and costs", amounts directly or indirectly allowed as deductions under section 163 of the Internal Revenue Code of 1986, as amended, for purposes of determining taxable income under the Internal Revenue Code of 1986, as amended, to the extent such expenses and costs are directly or indirectly for, related to, or in connection with the direct or indirect acquisition, maintenance, management, ownership, sale, exchange, or disposition of intangible property;

(5) "Related entity" means:

(a) A stockholder who is an individual, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code of 1986, as amended, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent of the value of the taxpayer's outstanding stock;

(b) A stockholder, or a stockholder's partnership, limited liability company, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent of the value of the taxpayer's outstanding stock; or

(c) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986, as amended, if the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty percent of the value of the corporation's outstanding stock. The attribution rules of section 318 of the Internal Revenue Code of 1986, as amended, shall apply for purposes of determining whether the ownership requirements of this subdivision have been met;

(6) "Related member", a person that, with respect to the taxpayer during all or any portion of the taxable year, is a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code of 1986, as amended, or is a person to or from whom there is attribution of stock ownership in accordance with section 1563(3) of the Internal Revenue Code of 1986, as amended.

2. For purposes of computing its Missouri taxable income under section 143.431, a corporation shall add to its federal taxable income any amount deducted in the calculation of its federal taxable income for interest expenses and costs and intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members for the taxable year.

3. The adjustments required in subsection 2 of this section shall not apply to such portion of interest expenses and costs and intangible expenses and costs that the corporation can establish by the preponderance of the evidence meets both of the following:

(1) The related member during the same income year directly or indirectly paid, accrued, or incurred such portion to a person who is not a related member; and

(2) The transaction giving rise to the interest expenses and costs or the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

4. The director of the department of revenue shall promulgate rules and regulations necessary to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

143.451. 1. Missouri taxable income of a corporation shall include all income [derived from sources within this state] as apportioned pursuant to this section.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income [from sources within this state], including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to [compute the portion of] **apportion** income [from all sources in this state] **to Missouri** in the following manner:

(a) [The] **All federal taxable** income [from all sources] **for the taxable year with the modifications specified in subsections 2 and 3 of section 143.431** shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and [the net] **all federal taxable** income **for the taxable year with the modifications specified in subsections 2 and 3 of section 143.431** shall be multiplied by the

fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. [The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.]

(3) For the purposes of this section, a transaction involving the sale of tangible property is:

(a) "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

(b) "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

(c) Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state;

(d) For purposes of this subdivision the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale, and the seller's shipping point is determined without regard to the location of the seller's principal office or place of business.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, gross income is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment

company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all **federal taxable** income [arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used] **for the taxable year with the modifications specified in subsections 2 and 3 of section 143.431**, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to [compute the portion of] **apportion** income [from all sources within this state] in the following manner:

(1) The income [from all sources] **apportioned to Missouri** shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all **federal taxable** income [arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue] as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to [compute the portion of] **apportion** income [from all sources within this state] in the following manner:

(1) The income [from all sources] **apportioned to Missouri** shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. [From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within] **If a corporation apportions to Missouri less than one hundred percent of its federal taxable income for the taxable year with modifications specified in subsections 2 and 3 of section 143.431**, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri

taxable income for the year as though the corporation had [derived all of its income from sources within] **one hundred percent of its income apportioned to Missouri**. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

[9.] **8.** Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter."; and

Further amend said bill, Page 78, Section 2, Line 27 of said page, by inserting after all of said line the following:

"Section 3. In addition to the additions and subtractions from federal taxable income pursuant to subsection 2 of section 143.431, RSMo, there shall be added to federal taxable income any amount defined in section 143.435, RSMo." and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a division of the question, asking that a vote first be taken on Sections 143.431 and 143.451 and that a second vote be taken on Section 143.435 and the remainder of the amendment, which request was granted.

Senator Bartle assumed the Chair.

Senator Jacob moved that Part I of **SA 14** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Days, Goode and Mathewson.

Part I of **SA 14** failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Nodler	Scott	Shields	Steelman
Vogel	Yeckel--18		
Absent--Senators			
Loudon	Russell--2		
Absent with leave--Senator DePasco--1			

Senator Jacob moved that Part II of **SA 14** be adopted, which motion prevailed.

Senator Shields offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 1, In the Title, Lines 10-11 of said title, by striking the words "tax and fee revenue" and inserting in lieu thereof the words "taxes and fees".

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 61, Section 313.826, Line 13, by inserting after the word "more" the following: "on electronic devices and twelve hundred dollars or more on table games".

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 31, Section 144.081, Line 7, by inserting after all of said line the following:

"144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally

obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. [If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance, with interest as determined by section 32.065, RSMo, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.]

Except as provided in subsection 5 of this section, if any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510 and the remainder, refunded, with interest as determined pursuant to chapter 32, RSMo, to a person legally obligated to remit the tax, provided that duplicate copies of a claim for refund are filed within three years from date of overpayment if:

(1) The person legally obligated to remit the tax demonstrates to the satisfaction of the director of revenue that all incorrectly collected or incorrectly computed amounts were or will be refunded or credited to every purchaser that originally paid the tax; or

(2) The person legally obligated to remit the tax submits to the director duplicate copies of a claim for refund and amended tax returns showing the correct amount of gross receipts for each reporting period originally filed and proves to the director's satisfaction that the tax originally reported and remitted to the director was paid by such person claiming the refund or credit and was not collected from purchasers.

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644, RSMo, shall be remitted based upon the location of the place of business of the purchaser.

5. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, and the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, cannot meet the requirements of subsection 2 of this section but has partial information regarding the original purchaser, then such tax shall be considered unclaimed property pursuant to sections 447.500 to 447.595, RSMo.

[5.] **6.** Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Goode offered **SA 18:**

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 38, Section 208.565, Line 6 of said page, by inserting immediately after said line the following:

"260.273. 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty

cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee.

3. The department of revenue shall administer, collect and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection and enforcement of the general state sales and use tax imposed pursuant to chapter 144, RSMo, except as provided in this section. The proceeds of the new tire fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into an appropriate subaccount of the solid waste management fund, created pursuant to section 260.330.

4. Up to five percent of the revenue available may be allocated, upon appropriation, to the department of natural resources to be used cooperatively with the department of elementary and secondary education for the purposes of developing educational programs and curriculum pursuant to section 260.342.

5. Up to twenty-five percent of the moneys received pursuant to this section may, upon appropriation, be used to administer the programs imposed by this section. Up to five percent of the moneys received under this section may, upon appropriation, be used for the grants authorized in subdivision (2) of subsection 6 of this section and authorized in section 260.274. All remaining moneys shall be allocated, upon appropriation, for the projects authorized in section 260.276.

6. The department shall promulgate, by rule, a statewide plan for the use of moneys received pursuant to this section to accomplish the following:

- (1) Removal of waste tires from illegal tire dumps;
- (2) Providing grants to persons that will use products derived from waste tires, or used waste tires as a fuel or fuel supplement; and
- (3) Resource recovery activities conducted by the department pursuant to section 260.276.

7. The fee imposed in subsection 2 of this section shall terminate January 1, [2004] **2009**."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Klindt raised the point of order that **SA 18** is out of order as it goes beyond the scope and purpose of the original bill.

Senator Gross assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Klindt offered **SA 1** to **SA 18**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 18

Amend Senate Amendment No. 18 to Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 3, Section 260.273, Line 6, by striking the word "January" and inserting in lieu thereof the word "**February**"; and further amend said line by striking the opening bracket "[" and by striking the closing bracket "]"; and further amend said line by striking the numeral "2009".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

SA 18, as amended, was again taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 63, Section 338.550, Line 17 of said page, by inserting after all of said line the following:

"351.120. 1. Every corporation organized pursuant to the laws of this state, including corporations organized pursuant to or subject to this chapter, and every foreign corporation licensed to do business in this state, whether such license shall have been issued pursuant to this chapter or not, other than corporations exempted from taxation by the laws of this state, shall file an annual corporation registration report.

2. The annual corporate registration report shall state the corporate name, the name of its registered agent and such agent's Missouri address, giving street and number, or building and number, or both, as the case may require, the name and correct business or residence address of its officers and directors, and the mailing address of the corporation's principal place of business or corporate headquarters.

3. The annual corporate registration report shall be due [on] the [date] **month** that the [corporation's franchise tax report is due as required in section 147.020, RSMo, or] **corporation incorporated or qualified. Corporations existing prior to the effective date of this section shall file the annual registration report on the month indicated on the corporation's last annual report. Corporations formed on or after the effective date of this section shall file an annual registration report** within thirty days of the date of incorporation [of the corporation. Any extension of time for filing the franchise tax report shall not apply to the due date of the annual corporation registration report. Any corporation that is not required to file a franchise tax report shall still be required to file an annual corporation registration report] **or qualification and every year thereafter in the month that they were incorporated or qualified.**

4. The annual registration report shall be signed by an officer or authorized person.

[4.] **5.** In the event of any [change] **error** in the names and addresses of the officers and directors set forth in an annual registration report [following the required date of its filing and the date of the next such required report], the corporation may correct such information by filing a certificate of correction pursuant to section 351.049.

[5.] **6.** A corporation may change the corporation's registered office or registered agent with the filing of the corporation's annual registration report. To change the corporation's registered agent with the filing of the annual registration report, the corporation must include the new registered agent's written consent to the appointment as registered agent and a written consent stating that such change in registered agents was authorized by resolution duly adopted by the board of directors. The written consent must be signed by the new registered agent and must include such agent's address. If the annual corporate registration report is not completed correctly, the secretary of state may reject the filing of such report.

[6.] **7.** A corporation's annual registration report must be filed in a format as prescribed by the secretary of state.

351.140. Each registration required by section 351.120 shall be on a form [to be supplied] **prescribed** by the secretary of state and shall be executed subject to the penalties of [making a false declaration under] section [575.060] **575.040**, RSMo, by [the president, a vice president, the secretary, an assistant secretary, the treasurer or an assistant treasurer] **an officer of the corporation or authorized person.** Whenever any corporation is in the hands of an assignee or receiver, it shall be the duty of such assignee or receiver, or one of them, if there be more than one, to register such corporation and otherwise comply with the requirements of this chapter. The forms shall bear a notice stating that false statements made therein are punishable under section 575.060, RSMo.

351.484. The secretary of state may commence a proceeding pursuant to section 351.486 to dissolve a corporation administratively if:

(1) The corporation fails to pay any final assessment of Missouri corporation franchise tax as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of state of such failure;

(2) The corporation fails or neglects to file the Missouri corporation franchise tax report required pursuant to chapter 147, RSMo, provided the director of revenue has provided a place on both the individual and corporation income tax return to indicate no such tax is due and provided the director has delivered or mailed at least two notices of such failure to file to the usual place of business of such corporation or the corporation's last known address and the corporation has failed to respond to such second notice within thirty days of the date of mailing of the second notice and the director of revenue has notified the secretary of state of such failure;

(3) The corporation fails to file any corporation income tax return or pay any final assessment of corporation income tax as provided in chapter 143, RSMo, and the director of revenue has notified the secretary of state of such failure;

[(2)] **(4)** The corporation does not deliver its annual report to the secretary of state within thirty days after it is due;

[(3)] **(5)** The corporation is without a registered agent or registered office in this state for thirty days or more;

[(4)] **(6)** The corporation does not notify the secretary of state within thirty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;

[(5)] **(7)** The corporation's period of duration stated in its articles of incorporation expires;

[(6)] **(8)** The corporation procures its franchise through fraud practiced upon the state;

[(7)] **(9)** The corporation has continued to exceed or abuse the authority conferred upon it by law, or has continued to violate any section or sections of the criminal law of the state of Missouri after a written demand to discontinue the same has been delivered by the secretary of state to the corporation, either personally or by mail;

[(8)] **(10)** The corporation fails to pay any final assessment of employer withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the secretary of state of such failure; or

[(9)] **(11)** The corporation fails to pay any final assessment of sales and use taxes, as provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such failure.

355.856. 1. Each domestic corporation, and each foreign corporation authorized pursuant to this chapter to transact business in this state, shall file

with the secretary of state an annual corporate registration report on a form prescribed and furnished by the secretary of state that sets forth:

- (1) The name of the corporation and the state or country under whose law it is incorporated;
- (2) The address of its registered office and the name of its registered agent at the office in this state;
- (3) The address of its principal office;
- (4) The names and **physical** business or residence addresses of its directors and principal officers[;
- (5) A brief description of the nature of its activities;
- (6) Whether or not it has members;
- (7) If it is a domestic corporation, whether it is a public benefit or mutual benefit corporation; and
- (8) If it is a foreign corporation, whether it would be a public benefit or mutual benefit corporation had it been incorporated in this state].

2. The information in the annual corporate registration report must be current on the date the annual corporate registration report is executed on behalf of the corporation.

3. The first annual corporate registration report must be delivered to the secretary of state no later than August thirty-first of the year following the calendar year in which a domestic corporation was incorporated or a foreign corporation was authorized to transact business. Subsequent annual corporate registration reports must be delivered to the secretary of state no later than August thirty-first of the following calendar years. If an annual corporate registration report is not filed within the time limits prescribed by this section, the secretary of state shall not accept the report unless it is accompanied by a fifteen dollar fee. Failure to file the annual registration report as required by this section will result in the administrative dissolution of the corporation as set forth in section 355.706.

4. If an annual corporate registration report does not contain the information required by this section, the secretary of state shall promptly notify the reporting domestic or foreign corporation in writing and return the report to it for correction. [If the report is corrected to contain the information required by this section and delivered to the secretary of state within thirty days after the effective date of notice, it is deemed to be timely filed.]

5. A corporation may change the corporation's registered office or registered agent with the filing of the corporation's annual registration report. To change the corporation's registered agent with the filing of the annual registration report, the corporation must include the new registered agent's written consent to the appointment as registered agent and a written consent stating that such change in registered agents was authorized by resolution duly adopted by the board of directors. The written consent must be signed by the new registered agent and must include such agent's address. If the annual corporate registration report is not completed correctly, the secretary of state may reject the filing of such report.

6. A corporation's annual registration report must be filed in a format and medium prescribed by the secretary of state.

7. The annual registration report shall be signed by an officer or authorized person and pursuant to this section represents that the signor believes the statements are true and correct to the best knowledge and belief of the person signing, subject to the penalties of section 575.040, RSMo.

356.211. 1. Each professional corporation and each foreign professional corporation shall file with the secretary of state an annual corporation registration report [at the time the corporation's franchise tax report is due. Any extension of time for filing the franchise tax report shall not apply to the due date of the annual corporation registration report. Any corporation that is not required to file a franchise tax report shall still be required to file an annual corporation registration report] **pursuant to section 351.120, RSMo.** The corporate registration report shall set forth the following information:

- (1) The names and residence **or physical business** addresses of all officers, directors and shareholders of that professional corporation as of the date of the report;
- (2) A statement that each officer, director and shareholder is or is not a qualified person as defined in sections 356.011 to 356.261, and setting forth the date on which any shares of the professional corporation were no longer owned by a qualified person, and any subsequent disposition thereof;
- (3) A statement as to whether or not suit has been instituted to fix the fair value of any shares not owned by a qualified person, and if so, the date on which and the court in which the same was filed.

2. The report shall be made on a form to be prescribed and furnished by the secretary of state, and shall be executed by [the president or vice president, subject to the penalties of making a false declaration under section 575.060, RSMo. The form shall bear a notice stating that false statements made therein are punishable under section 575.060, RSMo. A reasonable] **an officer of the corporation or authorized person.**

3. A filing fee [to be set by the secretary of state] in the amount set out in section 351.125, RSMo, shall be paid with the filing of each report, and no other fees shall be charged therefor; except that, penalty [and interest] fees may be imposed by the secretary of state for late filings. The report shall be filed subject to the time requirements of section 351.120, RSMo.

[3.] **4.** If a professional corporation or foreign professional corporation shall fail to file a report qualifying with the provisions of this section when such a filing is due, then the corporation shall be subject to the provisions of chapter 351, RSMo, that are applicable to a corporation that has failed

to timely file the annual report required to be filed under chapter 351, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 28, Section 144.025, Line 16, by inserting immediately after said line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of

twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, **natural gas used in the primary manufacture or processing of any agricultural product as defined in section 348.400, RSMo**, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and lubricants used exclusively for such farm machinery,

supplies, and equipment and [one-half of each purchaser's purchase of] diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 33, Section 144.250, Line 16 of said page, by inserting after all of said line the following:

"144.530. As used in sections 144.530 to 144.563, the following terms shall mean:

(1) "Controlled substance", any drug or substance, whether real or counterfeit, as defined in section 149.011 which is held, possessed, transported, transferred, sold or offered to be sold in violation of state law, except that the term shall not include marijuana;

(2) "Dealer", any person who illegally manufactures, produces, ships, transports or imports into the state or in any manner acquires or possesses more than twenty-eight grams of marijuana, or more than one gram of any controlled substance, or ten or more dosage units of any controlled substance which is not sold by weight;

(3) "Director", the director of the department of revenue;

(4) "Domestic marijuana plant", any cannabis plant at any level of growth which is harvested or tended, manicured, irrigated, fertilized or where there is other evidence that it has been treated in any other way in an effort to enhance growth;

(5) "Marijuana", any marijuana, whether real or counterfeit, as defined in section 149.011 which is held, possessed, transported, transferred, sold or offered to be sold.

144.533. 1. There is hereby imposed a tax upon marijuana, domestic marijuana plants and controlled substances at the following rates:

(1) On each gram of marijuana, or each portion of a gram, three dollars and fifty cents;

(2) On each gram of a wet domestic marijuana plant, forty cents;

(3) On each gram of a dry domestic marijuana plant, ninety cents;

(4) On each gram of controlled substance, or portion of a gram, two hundred dollars; and

(5) On each fifty dosage units of a controlled substance that is not sold by weight, or portion thereof, two thousand dollars.

2. For the purpose of calculating such tax, an ounce of marijuana or other controlled substance is measured by the weight of the substance in the dealer's possession. The weight of the marijuana or controlled substance includes all material, mixture or preparation that is added to the marijuana or controlled substance.

144.536. 1. The director shall administer the collection of the tax imposed pursuant to section 144.533. All tax payments shall be made to the director, and shall be accompanied by a form devised and furnished by the director.

2. The director shall adopt a uniform system of providing, affixing and displaying official stamps, labels or other indicia for marijuana and controlled substances upon which a tax is imposed.

3. The director may promulgate rules and regulations necessary to administer and enforce the provisions of sections 144.530 to 144.563.

144.539. 1. No dealer may possess any marijuana, domestic marijuana plant or controlled substance upon which a tax is imposed pursuant to section 144.533 unless the tax has been paid as evidenced by an official stamp or other indicia.

2. Official stamps, labels or other indicia to be affixed to all marijuana, domestic marijuana plants or controlled substances shall be purchased from the director. The purchaser shall pay one hundred percent of face value for each stamp, label or other indicia at the time of purchase. Each such stamp, label or other indicia shall only be valid for three months after its date of issuance. The director shall issue the stamps, labels or other indicia in denominations in multiples of ten dollars. Any person may purchase any such stamp, label or other indicia without disclosing such person's identity.

3. When a dealer purchases, acquires, transports, or imports into this state marijuana, domestic marijuana plants or controlled substances on which a tax is imposed pursuant to section 144.533 and if the indicia evidencing the payment of the tax have not already been affixed, the dealer shall have them permanently affixed on the marijuana, domestic marijuana plant or controlled substance immediately after receiving the substance. Each stamp or other official indicia may be used only once.

4. Taxes imposed upon marijuana, domestic marijuana plants or controlled substances pursuant to the provisions of sections 144.530 to 144.563 are due and payable immediately upon acquisition or possession in this state by a dealer.

144.542. 1. At such time as the director shall determine that a dealer has not paid the tax as directed pursuant to section 144.539 the director may immediately assess a tax based on personal knowledge or information available to the director; mail to the taxpayer at the taxpayer's last known address or serve in person, a written notice of the amount of tax, penalties and interest; and demand its immediate payment. If payment is not immediately made, because collection of every assessment made hereunder is presumed to be in jeopardy due to the nature of the commodity being taxed, the director may immediately collect the tax, penalties and interest in any manner pursuant to section 144.563.

2. The taxpayer may appeal the assessment within fifteen days from the date of mailing of the notice or the date of personal service of the notice given pursuant to subsection 1 of this section, by requesting in writing a hearing by the director on the correctness of the assessment. The hearing shall be conducted in accordance with the provisions of chapter 536, RSMo. An appeal of the assessment shall not stay the collection of the assessment but shall stay the sale of real or personal property seized pursuant to section 144.563 until the director rules on the correctness of the assessment.

3. The tax, penalties and interest assessed by the director are presumed to be valid and correctly determined and assessed. The burden is upon the taxpayer to show their incorrectness or invalidity. Any statement filed by the director with the court or any other certificate by the director of the amount of tax, penalties and interest determined or assessed is admissible in evidence and constitutes prima facie evidence of the facts it contains.

4. In making an assessment pursuant to subsection 1 of this section, the director may consider a plea agreement or judicial determination made in any criminal case.

5. All taxes not paid to the director of revenue by the person required to remit the same on the date when the same becomes due and payable to the director of revenue shall bear interest at the rate determined by section 32.065, RSMo, from and after such date until paid.

144.545. Neither the director nor a public employee may reveal facts contained in a report or return required by sections 144.530 to 144.563. No information contained in such a report or return may be used against the dealer in any criminal proceeding unless independently obtained, except in connection with a proceeding involving taxes due pursuant to the provisions of sections 144.530 to 144.563 from the taxpayer making the return.

144.548. For the purpose of determining the correctness of any return, determining the amount of tax that should have been paid, determining whether or not the dealer should have made a return or paid taxes, or collecting any taxes pursuant to the provisions of sections 144.530 to 144.563, the director may examine, or cause to be examined, any books, papers, records or memoranda, that may be relevant to making such determinations, whether the books, papers, records or memoranda, are the property of or in the possession of the dealer or another person. The director may require the attendance of any person having knowledge or information that may be relevant, compel the production of books, papers, records or memoranda by persons required to attend, take testimony on matters material to the determination, and administer oaths or affirmations. Upon demand of the director or any examiner or investigator, the court shall issue a subpoena for the attendance of a witness or the production of books, papers, records or memoranda. The director may also issue subpoenas.

Disobedience of subpoenas issued pursuant to the provisions of sections 144.530 to 144.563 is punishable by the circuit court of the county or city not within a county in which the subpoena is issued, or, if the subpoena is issued by the director, by the circuit court of the county or city not within a county in which the party served with the subpoena is located, in the same manner as contempt of court.

144.551. Any dealer violating the provisions of sections 144.530 to 144.563 is subject to a penalty of one hundred percent of the tax in addition to the tax imposed pursuant to section 144.533.

144.554. Nothing in sections 144.530 to 144.563 shall in any manner provide immunity for a dealer from criminal prosecution.

144.557. The director shall submit annually fifty percent of all moneys received from the collection of taxes and from assessments of delinquent taxes and penalties imposed pursuant to the provisions of sections 144.530 to 144.563 to the state treasurer, who shall deposit the entire amount thereof in the state treasury and credit the same to the general revenue fund of which one-half shall be for the purpose of and to be appropriated for funding the foundation formula, pursuant to the provisions of section 163.031, RSMo. The director shall remit annually fifty percent of all moneys received from the collection of taxes and from assessments of delinquent taxes and penalties imposed pursuant to the provisions of sections 144.530 to 144.563 as follows:

- (1) If the law enforcement agency which conducted the investigation is a county agency, the entire amount shall not be considered state funds and shall be deposited in the county treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; or
- (2) If the law enforcement agency which conducted the investigation is a city agency, the entire amount shall not be considered state funds and shall be deposited in the city treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; or
- (3) If the law enforcement agency which conducted the investigation is a state agency, the entire amount shall be deposited in the state general revenue fund to be appropriated to the state agency for use in law enforcement purposes; or
- (4) If more than one law enforcement agency is substantially involved in the investigative process, the amount shall not be considered state funds and shall be distributed equally among the city, county and state law enforcement agencies involved and credited to the appropriate county and city special law enforcement trust funds and state law enforcement agency funds unless an alternate distribution is mutually agreed upon by the law enforcement agencies involved and submitted in writing to the director.

Funds received shall not be considered to be a source of revenue to meet normal operating expenses of law enforcement agencies.

144.563. 1. Whenever a taxpayer liable to pay any tax, penalty or interest assessed pursuant to section 144.542, refuses or neglects to immediately pay the amount due, the director may issue one or more warrants for the immediate collection of the amount due, directed to the chief law enforcement officer of any county or city not within a county commanding the chief law enforcement officer to seize and sell the real and personal property of the taxpayer found within the county or city not within a county to satisfy the amount specified on the warrant and the cost of executing the warrant. The director may also issue one or more warrants directed to any employee of the department of revenue commanding the employee to seize and sell the real and personal property of the taxpayer found anywhere within the state to satisfy the amount specified on the warrant and the cost of executing the warrant. A copy of the warrant shall also be mailed to the taxpayer at the taxpayer's last known address or served upon the taxpayer in person.

2. The chief law enforcement officer or department of revenue employee shall proceed to execute upon the warrant in the same manner as provided for distress warrants pursuant to sections 136.180 and 136.190, RSMo, except as otherwise provided in this section. In the execution of a warrant issued to a department of revenue employee, the employee shall have all of the powers conferred by law upon a chief law enforcement officer. Any law enforcement officer may assist in the execution of a warrant if requested to do so by a department of revenue employee.

3. No law exempting any goods and chattels, land and tenements from forced sale under execution shall apply to a seizure and sale under any warrant.

4. A third party holding funds or other personal property of the taxpayer shall immediately, or as soon thereafter as possible, after service of the warrant on such third party, deliver such funds or other personal property to the chief law enforcement officer or department of revenue employee, who shall then deliver such to the director or the director's designee for deposit toward the balance due on the taxpayer's assessment pursuant to section 136.110.

5. The chief law enforcement officer or department of revenue employee shall proceed to levy, collect and sell such property in the manner pursuant to sections 136.200 to 136.230, RSMo.

6. The taxpayer shall have the right to redeem real property within a period of six months from the date of the sale.

7. The director shall have the right at any time to issue alias warrants until the full amount of the tax, penalty and interest is collected."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion failed.

Senator Bland offered SA 22:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 26, Section 143.1020, Line 15 of said page, by inserting immediately after said line the following:

"144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in subdivision (8) of section 144.010 or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

3. In addition to the tax levied pursuant to subsection 1 of this section, a surcharge equivalent to one half percent of the purchase price paid or charged for all sales of sport utility vehicles in excess of fifty-five thousand dollars, which amount shall be indexed for inflation based upon the consumer price index, is hereby levied and imposed."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion failed.

Senator Jacob offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 26, Section 143.1020, Line 15, by inserting immediately after the end of said line the following:

"144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds,

motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

- (2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;
- (3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;
- (4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;
- (5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;
- (6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;
- (7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;
- (8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in subdivision (8) of section 144.010 or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

3. For a period of three years, beginning on the first day of the first quarter after the enactment of this subsection subject to section 1 of this act, the rate of tax levied pursuant to subdivisions (1) to (9) of subsection 1 of this section shall be increased by one percent to a total of five percent."; and

Further amend said bill, page 76, section 577.520, line 1, by inserting immediately after said line the following:

"Section 1. 1. The department of revenue shall not be authorized to collect the additional one percent tax pursuant to the authority granted in section 144.020 of this act unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 2003, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Department of Revenue be authorized to assess and collect an additional one percent tax, for a total of five percent, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the department of revenue shall be authorized to collect the additional one percent tax pursuant to the authority granted in section 144.020 of this act effective on the first day of the first quarter after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the department of revenue shall have no power to collect the tax unless and until the measure is approved."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Childers offered **SSA 1** for **SA 23**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 26, Section 143.1020, Line 15 of said page, by inserting after all of said line the following:

"144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in subdivision (8) of section 144.010 or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

3. For a period of one year beginning on the first day of the first month after the enactment of this subsection the rate of tax levied pursuant to subdivisions (1) to (8) of subsection 1 of this section shall be increased by one-half of one percent to a total of four and one-half percent.

4. Beginning one year after the effective date of this act, for a period of one year the rate of tax levied pursuant to subdivisions (1) to (8) of subsection 1 of this section shall be increased by one-fourth of one percent to a total of four and one-fourth percent.

5. Beginning two years after the effective date of this act, for a period of one year the rate of tax levied pursuant to subdivisions (1) to (8) of subsection 1 of this section shall be increased by one-eighth of one percent to a total of four and one-eighth percent."; and

Further amend said bill, Page 78, Section 2, Line 27 of said page, by inserting after all of said line the following:

"Section 3. 1. The department of revenue shall not be authorized to collect the additional taxes pursuant to the authority granted in subsections 3, 4, and 5 of section 144.020, RSMo, unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday next following the first Monday in November, 2003, or at a special election to be called by the governor for that purpose. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of submission shall contain, but is not limited to, the following language:

"Shall the Missouri Department of Revenue be authorized to assess and collect an additional one-half of one percent tax for one year, which shall then be reduced to one-fourth of one percent for one year, and which shall then be reduced to one-eighth of one percent for one year, which additional tax shall thereafter be reduced to zero upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the department of revenue shall be authorized to collect the additional tax pursuant to the authority granted in subsections 3, 4, and 5 of section 144.020, RSMo, beginning on the first day of the first quarter after approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the department of revenue shall have no power to collect the tax unless and until the measure is approved."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above substitute amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of SSA 1 for SA 23 and was joined in his request by Senators Bartle, Days, Mathewson and Nodler.

SSA 1 for SA 23 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Childers
Coleman	Days	Dougherty	Foster
Goode	Jacob	Kennedy	Mathewson
Quick	Shields	Stoll	Wheeler-- 16
NAYS--Senators			
Bartle	Cauthorn	Champion	Clemens
Dolan	Gibbons	Griesheimer	Gross
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Steelman	Vogel
Yeckel-- 17			
Absent--Senators--None			
Absent with leave--Senator DePasco-- 1			

SA 23 was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered SA 24:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 7, Section 320.057, Line 18, by inserting after all of said line the following:

"67.399. 1. The governing body of any municipality or county with a charter form of government and with more than one million inhabitants may, by ordinance, establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality or county with a charter form of government and with more than one million inhabitants shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The

property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality **or county with a charter form of government and with more than one million inhabitants** making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality **or county with a charter form of government and with more than one million inhabitants**. If the municipal **or county with a charter form of government and with more than one million inhabitants** officer revokes the registration fee, no such assessment shall be made and the matter shall be considered closed. If the [municipal] officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the [municipal] officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal **or county with a charter form of government and with more than one million inhabitants** officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven."; and

Further amend page 78, Section 2, Line 27, by inserting after all of said line the following:

"[67.399. 1. The governing body of any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand may adopt an ordinance as provided in this section. The ordinance may establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality. If the municipal officer revokes the registration fee, no such assessment shall be made and the matter shall be considered closed. If the municipal officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the municipal officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven.]" ; and

Further amend said title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Loudon, **SA 24** was withdrawn.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Kinder moved that the vote by which **SA 23** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields

Steelman	Vogel	Yeckel--19	
	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
	Absent--Senators		
Childers	Goode--2		
	Absent with leave--Senator DePasco--1		

SA 23 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Coleman offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 78, Section 2, Line 27 of said page, by inserting after all of said line the following:

"Section 3. 1. The state shall have power to contract, or to authorize the contracting of, a debt or liability on behalf of the state, and to issue bonds or other evidence of indebtedness therefor, not exceeding in the aggregate two billion dollars, for the purpose of technology and infrastructure upgrading, repairing, remodeling, or rebuilding the elementary and secondary public schools of this state, and for building additions thereto and additional elementary and secondary public school buildings where necessary. No more than twenty-five percent of the revenue from such bonds shall be expended in any three-fiscal-year period. The proceeds of the sale or sales of any bonds issued pursuant to this subsection shall be paid into the state treasury and be credited to the "Public School Infrastructure Fund", which is hereby created in the state treasury. The state board of education shall determine criteria where local school districts can draw money from the fund on a matching basis to be determined by the board.

2. All such bonds shall bear interest at a rate not exceeding the rate set by law, payable semiannually, except that the first interest payable thereon may be paid not later than one year from the date of issuance, and maturing not later than twenty years from the date of issuance. Such bonds shall be issued by the state board of fund commissioners in such amount, from time to time, as may be necessary to fully fund the purposes established in subsection 1 of this section as determined by the state.

3. The proceeds of the sale of the bonds herein authorized shall be expended pursuant to the provisions of this section.

4. All such bonds and the interest thereon shall be paid out of the public school infrastructure bond interest and sinking fund, which is hereby created in the state treasury. Upon the issuance of such bonds, or any portion thereof, the state board of fund commissioners shall notify the commissioner of administration of the amount of money required, in the remaining portion of the fiscal year during which said bonds shall have been issued, for the payment of interest on said bonds, and of the amount of money required for the payment of interest on said bonds in the next succeeding fiscal year, and for the establishment and maintenance of a sinking fund to pay said bonds as they mature. Thereafter, within thirty days after the beginning of each fiscal year, the state board of fund commissioners shall notify the commissioner of administration of the amount of money required for the payment of interest on said bonds in the next succeeding fiscal year and for the maintenance of the sinking fund to pay said bonds maturing in such next succeeding fiscal year.

5. So long as there are outstanding bonds or other indebtedness therefor as a result of the provisions of this section, a surcharge entitled the "ABC education assessment" shall be added to the state income tax in an amount equal to one-half of one percent of Missouri taxable income. In the event that the provisions of subsection 10 of this section shall cause moneys to be appropriated toward retiring the debt established herein, the tax rate of the ABC education assessment shall be reduced in the tax year immediately following to offset the additional monies; provided, however, that the ABC education assessment tax rate shall not be reduced beyond the level necessary to:

(1) Fully pay the principal and interest maturing and accruing on said bonds during the current fiscal year; and

(2) Fund the school district equalization fund and the teacher and student achievement fund, as provided pursuant to subsection 11 of this section, at a level not less than the level of contribution to such funds by the provisions of subsection 5 of this section in the most recent prior fiscal year in which the provisions of subsection 10 of this section were not operative.

6. It shall be the duty of the commissioner of administration to transfer, at least monthly, the proceeds of the state income tax ABC education assessment to the credit of the public school infrastructure bond interest and sinking fund until there shall have been transferred to said fund the amount so certified to him or her by the state board of fund commissioners, as provided in this section.

7. If at any time after the issuance of any of said bonds, it shall become apparent to the commissioner of administration that neither the proceeds of the ABC education assessment income tax, as aforesaid, nor the provisions of subsection 10 of this section are sufficient for the payment of the principal and interest maturing and accruing on said bonds during the next succeeding fiscal year, a direct tax shall be levied upon all taxable real and tangible personal property in the state for the payment of said bonds and the interest that will accrue thereon. In such event, it shall be the duty of the commissioner of administration annually, on or before the first day of July, to determine the rate of taxation necessary to be levied upon all taxable real and tangible personal property within the state to raise the amount of money

needed to pay the principal of and interest on such bonds maturing and accruing in the next succeeding fiscal year, taking into consideration available funds, delinquencies, and costs of collection. The commissioner of administration shall annually certify the rate of taxation so determined to the county clerk of each county and to the comptroller or other officer in any city not within a county whose duty it shall be to make up and certify the tax books in which are extended the ad valorem state taxes. It shall be the duty of said clerks and said comptroller or other proper officer in any city not within a county to extend upon the tax books the taxes to be collected and to certify the same to the collectors of the revenue of their respective counties and of any city not within a county, who shall collect such taxes at the same time and in the same manner and by the same means as are now or may hereafter be provided by law for the collection of state and county taxes, and to pay the same into the state treasury for the credit of the public school infrastructure bond interest and sinking fund.

8. If at any time the balance in the public school infrastructure bond interest and sinking fund should be insufficient to pay accruing interest or maturing principal of said bonds, the state board of fund commissioners shall direct the commissioner of administration to transfer from the general revenue fund to the public school infrastructure bond interest and sinking fund the sum required for said purposes, or either of them, and said sum so transferred shall be reimbursed to the general revenue fund whenever there may be a balance in the public school infrastructure bond interest and sinking fund in excess of the amount which may then be needed to meet the accruing interest and maturing principal of said bonds during the next succeeding fiscal year.

9. All funds paid into the public school infrastructure bond interest and sinking fund shall be and stand appropriated without legislative action to the payment of principal and interest of said bonds, there to remain until paid out in discharge of the principal of said bonds and the interest accruing thereon, and no part of such fund shall be used for any other purpose so long as any of the principal of said bonds and the interest thereon shall be unpaid; provided, however, that nothing herein contained shall prevent the reimbursement from the public school infrastructure bond interest and sinking fund of the general revenue fund, as provided in this section.

10. For any fiscal year in the event that total state revenues exceed the revenue limit established in section 18, article X of the Missouri Constitution by one percent or more, notwithstanding the provisions of article X of the Missouri Constitution to the contrary, the excess revenues shall first be appropriated toward retiring any serviceable debt in such fiscal year incurred pursuant to this section; any remaining revenue shall be applied to retiring any future debt incurred pursuant to this section in any subsequent fiscal year in which there are outstanding bonds or other evidence of indebtedness therefor. After all such outstanding debt is retired, any remaining revenue shall be refunded on a pro rata basis as prescribed in section 18, article X of the Missouri Constitution.

11. After the sinking fund and interest requirements of this section have been met, any excess revenue from the ABC education assessment in a fiscal year shall be distributed in equal amounts to two separate funds. Of said funds, fifty percent shall be distributed to the "School District Equalization Fund" which is hereby created in the state treasury and shall be distributed to the public schools of this state on an equal per pupil basis. The remaining fifty percent shall be distributed to the "Teacher and Student Achievement Fund" which is hereby created in the state treasury. Of the funds distributed to the teacher and student achievement fund, one-half shall be used for grant programs to public schools to promote teacher recruitment, retention, and training, and one-half shall be used for grant programs to public schools to enhance student achievement. The department of elementary and secondary education, with the approval of the state board of education, shall establish the criteria for public school districts to receive said funds. Said funds shall be and stand appropriated without legislative action and shall be considered education funds that shall stand alone and not be considered within the scope of any formula for the equalized funding of the free public schools."; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Cauthorn, Days, Gibbons and Mathewson.

President Maxwell assumed the Chair.

SA 25 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Mathewson
Quick	Stoll	Wheeler--11	
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

Senator Jacob offered SA 26:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 26, Section 143.1020, Line 15, by inserting immediately after the end of said line the following:

"144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in subdivision (8) of section 144.010 or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

3. For a period of three years, beginning on the first day of the first quarter after the enactment of this subsection subject to section 1 of this act, the rate of tax levied pursuant to subdivisions (1) to (9) of subsection 1 of this section shall be increased by one percent to a total of five percent."; and

Further amend said bill, page 78, section 2, line 27, by inserting immediately after said line the following:

"Section 3. 1. The department of revenue shall not be authorized to collect the additional one percent tax pursuant to the authority granted in section 144.020 of this act unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 2003, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Department of Revenue be authorized to assess and collect an additional one percent tax, for a total of five percent, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the department of revenue shall be authorized to collect the additional one percent tax pursuant to the authority granted in section 144.020 of this act effective on the first day of the first quarter after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the department of revenue shall have no power to collect the tax unless and until the measure is approved."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 26**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 26, Section 143.1020, Line 15 of said page, by inserting after all of said line the following:

"144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in subdivision (8) of section 144.010 or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

3. For a period of one year beginning on the first day of the first month after the enactment of this subsection the rate of tax levied pursuant to subdivisions (1) to (8) of subsection 1 of this section shall be increased by one-half of one percent to a total of four and one-half percent.

4. Beginning one year after the effective date of this act, for a period of one year the rate of tax levied pursuant to subdivisions (1) to (8) of subsection 1 of this section shall be increased by one-fourth of one percent to a total of four and one-fourth percent."; and

Further amend said bill, Page 78, Section 2, Line 27 of said page, by inserting after all of said line the following:

"Section 3. 1. The department of revenue shall not be authorized to collect the additional taxes pursuant to the authority granted in subsections 3 and 4, of section 144.020, RSMo, unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday next following the first Monday in November, 2003, or at a special election to be called by the governor for that purpose. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of submission shall contain, but is not limited to, the following language:

"Shall the Missouri Department of Revenue be authorized to assess and collect an additional one-half of one percent tax for one year, which shall then be reduced to one-fourth of one percent for one year, which additional tax shall thereafter be reduced to zero upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the department of revenue shall be authorized to collect the additional tax pursuant to the authority granted in subsections 3 and 4, of section 144.020, RSMo, beginning on the first day of the first quarter after approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the department of revenue shall have no power to collect the tax unless and until the measure is approved."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Bland, Caskey and Klindt.

SSA 1 for SA 26 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Childers
Coleman	Days	Dougherty	Foster
Goode	Jacob	Kennedy	Mathewson
Quick	Wheeler--14		
NAYS--Senators			
Bartle	Cauthorn	Champion	Clemens
Dolan	Gibbons	Griesheimer	Gross
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--18		
Absent--Senator Stoll--1			
Absent with leave--Senator DePasco--1			

SA 26 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Shields moved that SS for SS for SCS for HCS for HB 600, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, SS for SS for SCS for HCS for HB 600, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Jacob	Kennedy
Kinder	Klindt	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler--28

Clemens	NAYS--Senators		
	Gross	Loudon	Yeckel--4
	Absent--Senator Childers--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 826, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Masters, Maryville, which was adopted.

Senator Gross offered Senate Resolution No. 827, regarding Jack Sago, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 828, regarding Gene Zimmerman, St. Charles County, which was adopted.

Senator Cauthorn offered Senate Resolution No. 829, regarding Norman E. Buckwalter, Palmyra, which was adopted.

Senator Days offered Senate Resolution No. 830, regarding the St. Martin's Child Center, St. Louis, which was adopted.

Senator Bland offered Senate Resolution No. 831, regarding Virginia Arn, Kansas City, which was adopted.

Senator Dougherty offered Senate Resolution No. 832, regarding Ida Dean, St. Louis, which was adopted.

Senator Wheeler offered Senate Resolution No. 833, regarding Sue Murray, Kansas City, which was adopted.

Senator Bartle offered Senate Resolution No. 834, regarding Magic Touch Cleaning, Incorporated, which was adopted.

Senator Bartle offered Senate Resolution No. 835, regarding Shawn Michale Daughenbaugh, Lee's Summit, which was adopted.

Senator Vogel offered Senate Resolution No. 836, regarding Marilyn K. Dobson, Centertown, which was adopted.

Senator Champion offered Senate Resolution No. 837, regarding the City of Springfield, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 3:55 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

PRIVILEGED MOTIONS

Senator Champion moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 379** and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for HB 390, with SCS, entitled:

An Act to amend chapter 334, RSMo, by adding thereto sixteen new sections relating to anesthesiologist assistants, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Cauthorn.

SCS for HCS for HB 390, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 390An Act to amend chapter 334, RSMo, by adding thereto sixteen new sections relating to anesthesiologist assistants, with penalty provisions.

Was taken up.

Senator Cauthorn moved that SCS for HCS for HB 390 be adopted.

Senator Cauthorn offered SS for SCS for HCS for HB 390, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 390

An Act to repeal section 334.104, RSMo, and to enact in lieu thereof seventeen new sections relating to anesthesiologist assistants, with penalty provisions.

Senator Cauthorn moved that SS for SCS for HCS for HB 390 be adopted, which motion prevailed.

On motion of Senator Cauthorn, SS for SCS for HCS for HB 390 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bray	Caskey	Cauthorn	Champion
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators			
Bartle	Bland--2		
Absent--Senators			
Childers	Dolan	Jacob--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for HB 511, with SCS, was placed on the Informal Calendar.

HB 444, with SCS, was placed on the Informal Calendar.

HB 208, with SCS, was placed on the Informal Calendar.

HB 286, with SCS, was placed on the Informal Calendar.

HCS for HB 144, with SCS, was placed on the Informal Calendar.

HCS for HBs 346 and 174, with SCS, was placed on the Informal Calendar.

HS for HCS for HB 257, with SCS, was placed on the Informal Calendar.

HB 445, with SCS, was placed on the Informal Calendar.

HS for HCS for HB 156, introduced by Representative Phillips, entitled:

An Act to repeal section 188.039, RSMo, and to enact in lieu thereof two new sections relating to a twenty-four hour waiting period for certain medical procedures, with an effective date for a certain section.

Was taken up by Senator Cauthorn.

Senator Loudon offered SA 1:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Bill No. 156, Page 3, Section 188.043, Line 16, by inserting after all of said line the following:

- "188.250. 1. No person shall intentionally cause, aid, or assist a minor to obtain an abortion without the consent or consents required by section 188.028.
2. Any person who violates subsection 1 of this section shall be civilly liable to the minor and to the person or persons required to give the consent or consents pursuant to section 188.028. A court may award damages, including attorney's fees and court costs, to any person adversely affected by a violation of this section, and may include an award for punitive damages.
3. It shall not be a defense to a claim brought pursuant to this section that the abortion was performed or induced pursuant to consent to the abortion given in a lawful manner in the state or place where the abortion was performed or induced.
4. An unemancipated minor does not have capacity to consent to any action in violation of this section or section 188.028.
5. A court may enjoin conduct that would be in violation of this section upon petition by the attorney general, a prosecuting or circuit attorney, or any person adversely affected or who reasonably may be adversely affected by such conduct, upon a showing that such conduct:
- (1) Is reasonably anticipated to occur in the future; or
- (2) Has occurred in the past and that it is not unreasonable to expect that under similar circumstances such conduct will be repeated.";

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Bray, Coleman and Days.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bartle	Caskey	Loudon	Mathewson
Yeckel--5			
NAYS--Senators			
Bland	Bray	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--27	
Absent--Senator Jacob--1			
Absent with leave--Senator DePasco--1			

Senator Dougherty offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for House Bill No. 156, Page 3, Section 188.043, Line 16, by inserting immediately after said section and line the following:

"188.180. 1. As used in this section, the following words and phrases shall mean:

- (1) "Alternatives to abortion services", services or counseling offered to pregnant woman to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption;
- (2) "Department", the department of health and senior services;
- (3) "Medical emergency", a physical condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman.

2. Except in case of a medical emergency, at least twenty-four hours prior to the abortion, the physician who is to perform or induce an abortion or the referring physician, or other qualified agent of either physician under the physician's supervision to whom the responsibility has been delegated by the physician, including, but not limited to, a nurse, physician assistant, or social worker, shall provide geographically indexed printed materials designed to inform the woman of public and private agencies providing alternatives to abortion services as provided by this section. The physician, a qualified physician assistant, health care practitioner, technician or social worker actually providing such materials shall sign, and shall cause the patient to sign after receiving such materials, a written statement certifying that such materials have been delivered to, and received by, the patient. All of such executed statements shall be maintained as part of the patient's medical file, subject to the confidentiality laws and rules of this state.

3. The department shall develop geographically indexed educational materials, including but not limited to brochures and other media, about positive options and alternatives to abortion, including, but not limited to, the following:

- (1) Agencies that are established and operating primarily to offer alternatives to abortion services, including agencies commonly known and referred to as crisis pregnancy centers, pregnancy resource centers and maternity homes;
- (2) Other alternatives to abortion services available to pregnant women and mothers of newborn children offered either directly by the state of Missouri or by contractors with the state of Missouri, or by private community-based programs, to assist a woman in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption, including, but not limited to prenatal care; medical and mental health care; parenting skills; drug and alcohol testing and treatment; child care; newborn or infant care; housing; utilities; educational services; food, clothing and supplies relating to pregnancy, newborn care and, parenting; adoption assistance; job training and placement; establishing and promoting responsible paternity; domestic abuse protection; and transportation.

The materials shall include a comprehensive list of the agencies providing such alternatives to abortion services, a description of the services offered by each agency, and the addresses and telephone numbers of each agency. The list shall not include any agency which performs or refers for abortion or which holds itself out as performing, inducing or referring for abortions. The following statement shall be prominently placed within such materials: "There are many public and private agencies willing and able to help you to carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or place him or her for adoption. The State of Missouri strongly urges you to contact those agencies before making a final decision about abortion. State law requires that your physician or his or her agent give you the opportunity to call agencies like these before you undergo an abortion."

4. The department shall publicly solicit public and private agencies providing alternatives to abortion services to provide information to the department about the agency and the services rendered by the agency. The department may utilize already existing lists of agencies providing alternatives to abortion services within the state in preparing the materials required by this section, including the Adoption Awareness Law, section 191.975, RSMo.

5. The materials shall be distributed by the department to family planning clinics, abortion facilities, hospitals where abortions are performed or induced, and physicians who perform or induce abortions. Such materials shall also be available to the public through the department's Internet web site. The lack or unavailability of such materials provided by the department shall not affect the duties of the physician provided by this section to provide information and educational materials about alternatives to abortion."; and

Further amend the title and enacting clause of said bill accordingly.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Days and Kennedy.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Kennedy
Mathewson	Quick	Wheeler	Yeckel--12
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott

Shields	Steelman	Stoll	Vogel--20
	Absent--Senator Jacob--1		
	Absent with leave--Senator DePasco--1		

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for House Bill No. 156, Page 2, Section 188.039, Line 23, by inserting after the word "emergency" the following: **"or if a patient is a victim of rape or incest"**.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Days, Mathewson and Wheeler.

President Maxwell assumed the Chair.

A quorum was established by the following vote:

	Present--Senators			
Bland	Bray	Caskey	Cauthorn	
Champion	Childers	Clemens	Coleman	
Days	Foster	Gibbons	Gross	
Jacob	Kennedy	Kinder	Klindt	
Loudon	Nodler	Scott	Vogel	
Wheeler	Yeckel--22			
	Absent--Senators			
Bartle	Dolan	Dougherty	Goode	
Griesheimer	Mathewson	Quick	Russell	
Shields	Steelman	Stoll--11		
	Absent with leave--Senator DePasco--1			
A quorum was established by the following vote:				
	Present--Senators			
Bray	Caskey	Cauthorn	Champion	
Childers	Clemens	Coleman	Days	
Dolan	Foster	Gibbons	Griesheimer	
Gross	Jacob	Kennedy	Kinder	
Klindt	Loudon	Nodler	Scott	
Shields	Steelman	Stoll	Vogel	
Wheeler--25				
	Absent--Senators			
Bartle	Bland	Dougherty	Goode	
Mathewson	Quick	Russell	Yeckel--8	
	Absent with leave--Senator DePasco--1			

A quorum was established by the following vote:

	Present--Senators			
Bartle	Bray	Caskey	Cauthorn	
Champion	Childers	Clemens	Days	
Foster	Gibbons	Griesheimer	Gross	
Jacob	Kennedy	Kinder	Loudon	
Mathewson	Nodler	Scott	Shields	
Stoll	Vogel	Yeckel--23		
	Absent--Senators			
Bland	Coleman	Dolan	Dougherty	
Goode	Klindt	Quick	Russell	
Steelman	Wheeler--10			
	Absent with leave--Senator DePasco--1			

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	Absent--Senators		
Dolan	Dougherty	Goode	Quick--4
	Absent with leave--Senator DePasco--1		

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Coleman	Days
Goode	Jacob	Quick	Wheeler--8
	NAYS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
	Absent--Senator Dougherty--1		
	Absent with leave--Senator DePasco--1		

Senator Wheeler offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for House Bill No. 156, Page 3, Section 188.043, Line 16, by inserting after all of said line the following:

"188.070. **No medical records may be copied or removed from an abortion facility or hospital without written permission of the patient.** Any [physician or other] person who [fails to maintain] **knowingly violates** the confidentiality of any records [or], reports [required] **or documents maintained by the abortion facility or hospital or received by the department** under sections 188.010 to 188.085 is guilty of a [misdemeanor and, upon conviction, shall be punished as provided by law] **class D felony**.

Section 1. Any individual aggrieved by a violation of a provision of chapter 188, RSMo, relating to confidentiality of medical records may, if a civil remedy is not otherwise provided for by law, bring a civil action for damages. If it is found in a civil action that:

(1) A person has negligently violated the provisions of chapter 188, RSMo, the person is liable for each violation for:

- (a) The greater of actual damages or liquidated damages of one thousand dollars; and**
- (b) Court costs and reasonable attorney's fees incurred by the person bringing the action; and**
- (c) Such other relief, including injunctive relief, as the court may deem appropriate; or**

(2) A person has willfully or intentionally or recklessly violated the provisions of chapter 188, RSMo, the person is liable, for each violation, for:

- (a) The greater of actual damages or liquidated damages of five thousand dollars; and**
- (b) Exemplary damages; and**
- (c) Court costs and reasonable attorney's fees incurred by the person bringing the action; and**
- (d) Such other relief, including injunctive relief, as the court may deem appropriate.**

2. The remedies available pursuant to this section are cumulative and in addition to any other criminal or administrative penalties otherwise provided for by law."; and

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted.

Senator Shields assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
Absent--Senators			
Days	Dougherty--2		
	Absent with leave--Senator DePasco--1		

Senator Wheeler requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Bray, Caskey, Coleman and Kennedy.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Goode	Jacob	Mathewson
Quick	Wheeler--10		
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--22		
Absent--Senator Dougherty--1			
Absent with leave--Senator DePasco--1			

Senator Caskey offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for House Bill No. 156, Page 2, Section 188.039, Line 39, by inserting after "**conference**," the following: "**and if the woman chooses to proceed with the abortion**,".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for House Bill No. 156, Page 1, Section A, Line 2, by inserting after all of said line the following:

- "188.015. [Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them] **As used in this chapter, the following terms mean:**
- (1) "Abortion", the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;
 - (2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed other than a hospital;
 - (3) "Conception", the fertilization of the ovum of a female by a sperm of a male;
 - (4) "**Department**", the department of health and senior services;

[(4)] (5) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;

[(5)] (6) "Physician", any person licensed to practice medicine in this state by the state board of registration of the healing arts;

[(6)] (7) "Unborn child", the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)] (8) "Viability", that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems."; and

Further amend said bill, Page 3, Section 188.043, Line 16, by inserting after all of said line the following:

"188.052. 1. An individual abortion report for each abortion performed or induced upon a woman shall be completed by her attending physician.

The report shall include:

(1) Information required by the United States Standard Report of Induced Termination of Pregnancy, published by the National Center for Health Statistics, Centers for Disease Control and Prevention, United States Department of Health and Human Services, or its successor publication or agency;

(2) Additional information on the type of abortion procedure used, including the specific surgical or nonsurgical method or the specific abortion-inducing drug or drugs employed, including, but not limited to: vacuum aspiration, suction curettage, sharp curettage, dilation and evacuation or "D&E", intact D&E, dilation and extraction or "D&X", intrauterine saline instillation, intrauterine prostaglandin instillation, hysterotomy, methotrexate, mifepristone, or misoprostol; and

(3) The reason or reasons the woman became pregnant unintentionally including whether she was using birth control during the month she got pregnant, including what method of family planning she was practicing at the time.

(4) The reason or reasons the woman sought the abortion, including specific medical, social, economic, or other factors, including, but not limited to: particular maternal health conditions, pregnancy resulting from rape or incest, does not want others to know of her pregnancy, others object to her pregnancy, has relationship problems with the father of the child or other family members, lack of financial support from the father of the child, disruption of education or job, or desire to limit family size.

2. An individual complication report for any post-abortion care performed upon a woman shall be completed by the physician providing such post-abortion care. This report shall include, **but not be limited to:**

(1) The date of the abortion;

(2) The name and address of the abortion facility or hospital where the abortion was performed **or induced**;

(3) The nature of the abortion complication diagnosed or treated.

3. All abortion reports shall be signed by the attending physician, and submitted to the [state] department [of health and senior services] within forty-five days from the date of the abortion. All complication reports shall be signed by the physician providing the post-abortion care and submitted to the department [of health and senior services] within forty-five days from the date of the post-abortion care.

4. A copy of the abortion report shall be made a part of the medical record of the patient of the facility or hospital in which the abortion was performed **or induced**.

5. The [state] department [of health and senior services] shall be responsible for collecting all abortion reports and complication reports and collating and evaluating all data gathered therefrom and shall annually publish a statistical report based on such data from abortions performed **or induced and post-abortion care provided** in the previous calendar year. **The report shall specify the gestational age, by weekly increments, at which abortions were performed or induced. The report shall not include any information that would allow the public to identify a specific:**

(1) Patient who obtained an abortion or who received post-abortion care;

(2) Physician who performed or induced an abortion or who provided post-abortion care; or

(3) Hospital or abortion facility where the abortion was performed or induced or which provided post-abortion care.

6. The information provided by the woman shall be voluntarily provided by the pregnant woman seeking or obtaining the abortion, but the abortion facility, hospital or physician shall make all reasonable efforts to collect the information required by this section, and shall in no way dissuade or discourage the woman from providing the information required by this section.

188.055. 1. Every abortion facility, hospital, and physician shall be supplied with forms by the department [of health and senior services] for use in regards to the consents and reports required by sections 188.010 to 188.085. A purpose and function of such consents and reports shall be the preservation of maternal health and life by adding to the sum of medical knowledge through the compilation of relevant maternal health and life data and to monitor all abortions performed **or induced** to assure that they are done only under and in accordance with the provisions of the law.

2. All information obtained by physician, hospital, or abortion facility from a patient for the purpose of preparing reports to the department [of

health and senior services] under sections 188.010 to 188.085 or reports received by the [division of health] **department** shall be confidential and shall be used only for statistical purposes. Such records, however, may be inspected and health data acquired by local, state, or national public health officers.

188.070. Any [physician or other] person who [fails to maintain] **knowingly violates** the confidentiality of any records [or], reports [required] **or documents maintained by the abortion facility or hospital or received by the department** under sections 188.010 to 188.085 is guilty of a [misdemeanor and, upon conviction, shall be punished as provided by law] **class D felony**.

Section 1. 1. Any individual aggrieved by a violation of a state statute relating to the confidentiality of medical records may, if a civil remedy is not otherwise provided for in the statute, bring a civil action for damages. If it is found in a civil action that:

- (1) A person has negligently violated the statute, the person is liable, for each violation, for:**
 - (a) The greater of actual damages or liquidated damages of one thousand dollars; and**
 - (b) Court costs and reasonable attorney's fees incurred by the person bringing the action; and**
 - (c) Such other relief, including injunctive relief, as the court may deem appropriate; or**
- (2) A person has willfully or intentionally or recklessly violated the statute, the person is liable, for each violation, for:**
 - (a) The greater of actual damages or liquidated damages of five thousand dollars; and**
 - (b) Exemplary damages; and**
 - (c) Court costs and reasonable attorney's fees incurred by the person bringing the action; and**
 - (d) Such other relief, including injunctive relief, as the court may deem appropriate.**

2. The remedies available in this section are cumulative and in addition to any other criminal or administrative penalties otherwise provided for by law."; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Bartle assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
Absent--Senators			
Klindt	Quick	Scott--3	
Absent with leave--Senator DePasco--1			

Senator Coleman requested a roll call vote be taken on the adoption of **SA 6** and was joined in her request by Senators Bray, Days, Gibbons and Jacob.

SA 6 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Quick
Wheeler--9			
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler

Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
	Absent--Senator Goode--1		
	Absent with leave--Senator DePasco--1		

Senator Coleman offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for House Bill No. 156, Page 3, Section 188.043, Line 16, by inserting after all of said line the following:

"191.715. 1. This section shall be known and may be cited as the "Woman's Right To Know Act".

2. For the purpose of this section, "emergency birth control" shall mean contraceptive methods that can be used by women within seventy-two hours of intercourse to prevent pregnancy.

3. The division of maternal, child, and family health within the department of health and senior services shall endeavor to raise public awareness and promote appropriate counseling and referrals for emergency birth control by informing hospitals, health care providers, pharmacists, and the community. The division shall develop and distribute information that stress the availability of emergency birth control, its use and safety, and its effectiveness in preventing pregnancy if taken as soon as possible within seventy-two hours of intercourse."; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Days, Jacob and Mathewson.

SA 7 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Coleman	Days
Jacob	Quick	Wheeler--7	
	NAYS--Senators		
Bartle	Caskey	Cauthorn	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
	Absent--Senators		
Champion	Dougherty	Goode--3	
	Absent with leave--Senator DePasco--1		

Senator Days offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for House Bill No. 156, Page 2, Section 188.039, Line 44, by inserting after all of said line the following:

"5. If a patient incurs out of pocket expenses, which shall include but not be limited to the following: mileage, hotel, childcare, meals, etc., the patient shall be able to seek reimbursement from the state."; and further amend said section by renumbering the remaining subsection accordingly.

Senator Days moved that the above amendment be adopted, which motion failed.

Senator Shields assumed the Chair.

Senator Bland offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for House Bill No. 156, Page 2, Section 188.039, Line 32, by inserting at the end of said line the following: **"The twenty-four hour restriction shall not apply if the patient must travel more than one hundred miles to receive treatment."**

Senator Bland moved that the above amendment be adopted.

At the request of Senator Bland, **SA 9** was withdrawn.

Senator Caskey offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for House Bill No. 156, Page 3, Section 188.043, Line 16, by inserting at the end of said line the following: "Any person may apply to a court of competent jurisdiction for permission to adopt an unborn fetus after first obtaining consent from the parent or parents and may further request that the court grant permission to remove the fetus from the biological mother and place the fetus in a surrogate mother to carry to term. The fetus must be appointed a guardian ad litem and a study must be done by the division of family services to determine the fitness of the adoptive individual."

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 10** was withdrawn.

The President recognized Senator Cauthorn to close on the motion to third read the bill.

Senator Jacob raised the point of order that the recognition of Senator Cauthorn to close was out of order as there were other Senators seeking recognition on the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Jacob raised the point of order that the proper language was not used to close the debate and therefore the debate should still be open.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Bland raised the point of order that she had been denied her right to offer an amendment, as the proper language and procedure to close the debate had not been used.

The point of order was referred to the President Pro Tem, who ruled it not well taken as it was dilatory and untimely.

HS for **HCS** for **HB 156**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
	NAYS--Senators		
Bray	Coleman	Days	Jacob
Quick	Wheeler--6		
	Absent--Senators		
Bland	Dougherty	Foster	Goode--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthron moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, Mark and Jane Tucker, St. Louis County.

Senator Bray introduced to the Senate, D.J. Gross and Nancy Hagan, St. Louis County.

Senator Goode introduced to the Senate, students from Keeven Elementary School, St. Louis County; and Kenneth Cox III and Morgan Robinson were made honorary pages.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Jay F. Piccirillo, M.D., Chesterfield.

Senator Klindt introduced to the Senate, Ken, Cody, and Kolton Keesaman, Osborn.

Senator Vogel introduced to the Senate, representatives of the American Red Cross.

On behalf of Senator Jacob, the President introduced to the Senate, members of Missouri Democratic Federated Women's Clubs from around the state.

On behalf of Senator Jacob, the President introduced to the Senate, representatives of the American Association of Retired Persons from around the state.

Senator Bartle introduced to the Senate, students from Center Place Restoration School, Independence.

Senator Foster introduced to the Senate, Ken Minton, Doug Friend, Gary Capps, Frank Sifford, Dave Brewer, Mayor Willard Adams, Joe Knodell, and Reid Forrister, representing Southeast Communities United for Regional Advancement.

Senator Gibbons introduced to the Senate, Fritz, Ethan, and Nathan Smith; and Joshua Klarich, St. Louis County; and Joshua was made an honorary page.

Senator Klindt introduced to the Senate, twenty fifth and sixth grade students from North Davies R-3 School, Coffey.

Senator Kennedy introduced to the Senate, Tracy Allison and Bart Inman, St. Louis.

Senator Kennedy introduced to the Senate, Betty and Tom Meyer, Jill Roth, and Stephanie and Kevin Schenck, Ste. Genevieve.

Senator Scott introduced to the Senate, Jeff and Debbie Osner, Lowry City; and David Swatters, Deepwater.

Senator Childers introduced to the Senate, Dolores Sergeant, Branson; Brenda Eakins, Galena; and Terry Ristalls, Kimberling City.

Senator Childers introduced to the Senate, seventy fifth grade students from Blue Eye Middle School, Blue Eye.

Senator Klindt introduced to the Senate, Alice McGinnis; her son, Wallace; and her grandchildren, Max McGinnis and Louise Jones, Skidmore.

Senator Caskey introduced to the Senate, former State Representative Deleta Williams, Warrensburg.

Senator Loudon introduced to the Senate, former State Representative Luann Ridgeway, Smithville.

Senator Nodler introduced to the Senate, Raye Frerer, and her daughter, Dara, Joplin; and Dinae Wine, Camden Point; and Dara and Dinae were made honorary pages.

Senator Russell introduced to the Senate, his wife, Margaret, and their grandsons, Jason and John Russell, Lebanon; and his daughter, Jeanette Hutcheson, her husband, Jim, and their children, Jimmie and Nicole, Springfield.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FOURTH DAY-THURSDAY, MAY 1, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 688

HS for HB 481-Crowell

HS for HCS for HB 121-Portwood

HCS for HB 138

HB 593-Deeken, et al

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,

103, 156 & 329-Steelman

(In Fiscal Oversight)

SB 305-Jacob and Steelman

(In Fiscal Oversight)

SB 236-DePasco and Loudon

(In Fiscal Oversight)

SS for SB 242-Yeckel

SS#2 for SB 695-Goode and Russell

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 458-Childers

SBs 312, 49, 111, 113, 191,

206, 263, 404, 409, 418,

538, 550 & 584-Dolan,

et al, with SCS

SB 485-Shields, with SCS

SB 346-Yeckel, with SCS

SB 531-Childers, with SCS

SB 307-Steelman, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 288, with SCS

(Shields)

(In Fiscal Oversight)

HS for HCS for HBs 517, 94,

149, 150 & 342-Portwood,

with SCS (Gross) (In Fiscal Oversight)

HS for HB 668-Crawford, with

SCS (Dolan)

(In Fiscal Oversight)

HS for HB 470-Mayer, with SCS

(Bartle)

HB 198-Stevenson, et al (Nodler)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 27-Gibbons, with SCS

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 209-Steelman, et al, with SCS

SB 217-Champion and Clemens,

with SS (pending)

SB 241-Yeckel, with SCS

SBs 248, 100, 118, 233, 247, 341

& 420-Gross, et al, with SCS &

SS for SCS (pending)

SB 253-Steelman, et al, with SCS,

SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,

331, 368, 369, 419, 484 &

581-Dolan, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,

with SCS & SS for SCS

(pending)

SBs 415, 88, 200, 223, 413, 523,

589 & 626- Yeckel, with SCS

SB 416-Yeckel, with SCS

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

SB 446-Bartle, with SCS

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2

(pending)

SB 455-Dougherty and Shields

SB 460-Loudon, with SS &

SA 1 (pending)

SB 476-Jacob

SB 564-Gross

SB 685-Gibbons, et al, with SCS

SB 693-Klindt, et al, with SCS

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HCS for HBs 122 & 80 (Bland)

HCS for HB 144, with SCS

(Vogel)

HB 208-Engler, et al, with SCS

(Kinder)

HS for HCS for HB 257-

Munzlinger, with SCS

(Cauthorn)

HB 286-Bearden, with SCS

(Shields)

HCS for HB 289, with SCS

(Steelman)

HS for HCS for HB 321-

Wilson (130), with SS &

SS for SS (pending) (Loudon)

HCS for HBs 346 & 174,

with SCS (Foster)

HS for HCS for HBs 349,

120, 136 & 328-Crawford

(Caskey)

HB 412-Goodman, et al

(Childers)

HB 444-Jackson, with SCS

(Yeckel)

HB 445-Portwood, et al,

with SCS (Loudon)

HS for HB 511-Deeken,

with SCS (Yeckel)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 307-Merideth and

Shoemaker (Foster)

HB 505-Byrd and Villa,

with SCS (Mathewson)

Reported 4/15

HCS for HB 613, with SCS

(Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 16-Childers,

with HCS

SCS for SB 61-Caskey,

with HCS

SB 68-Childers, with HCS

SB 101-Caskey, with HCS

SCS for SB 130-Gross and

Dolan, with HCS

SB 136-Goode, with HCS

SB 175-Loudon, with HCS

SB 186-Cauthorn, with HCS

SCS for SBs 212 & 220-

Bartle, with HCS

SCS for SB 218-Goode, et al,

with HCS

SB 228-Griesheimer, with HCS

SB 266-Shields and Kennedy,

with HCS

SB 275-Russell, with HCS

SCS for SB 281-Shields, with HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 295-Shields, with HCS

SCS for SB 296-Griesheimer, with

HS for HCS, as amended

SS for SCS for SB 298-Griesheimer,

with HCS, as amended

SB 301-Bray, with HCS

SB 325-Steelman, with HCS

SB 355-Stoll, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 373-Bartle, with HCS

SB 399-Caskey, with HCS

SB 423-Childers, with HCA 1

SCS for SB 447-Bartle, with HCA 1

SB 465-Bartle, with HCS

SB 468-Bartle, with HCA 1

SB 470-Bartle, with HCS

SB 474-Bartle, with HCS

SB 504-Clemens and Champion,

with HCS

SCS for SB 547-Caskey, with HCS

SCS for SB 592-Foster, with HCS

SCS for SB 666-Bland, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 52-Shields,
with HCS

SCS for SBs 299 & 40-
Champion, et al, with HS,
as amended

SB 394-Bartle, with HCS, as amended

SB 401-Dolan, et al, with HCS

SB 407-Klindt, with HCS

SB 448-Bartle, with HCS

SB 552-Yeckel, with HCS

Requests to Recede or Grant Conference

SCS for SB 379-Champion,
with HCS
(Senate requests House
recede or grant conference)

HCS for HB 427, with SCS
(Bartle)

(House requests Senate
recede or grant conference)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al

SCR 18-Mathewson and

Steelman

HCR 11-Moore and Walton

Journal of the Senate
FIRST REGULAR SESSION

SIXTY-FOURTH DAY--THURSDAY, MAY 1, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Pastor Douglas J. Crader, Jefferson City National Day of Prayer Task Force Chairman, offered the following prayers:

Prayer for the Nation

By Dr. Luis Palau

Our Father and our God, we thank You for the many blessings You have poured out on America and we praise You for Your mercy. You have said: "Righteousness exalts a nation, but sin is a disgrace to any people." We confess, O Lord, our national and personal sins. We repent and ask forgiveness for all actions that dishonor You. O God, bless our President and other leaders. Provide them with wisdom and move them to honor You. Deliver this great nation from all our enemies as we recommit ourselves to trust, serve and obey Your commands. We pray in the name of our Lord and Savior, Jesus Christ, Amen.

Heavenly Father, we thank You for this great nation that You have given us and for the grace to serve You in it. We humbly ask for continued direction and leadership as we face the challenges that lay before us. As Your Word says, we should "pray for all men, for kings and those in authority that we may lead a quiet and peaceable life in Godliness and honesty". Father, we pray for all our leaders because of the great burdens and responsibilities on them as they serve us, the people. We ask for healing of division in our state and national governments and the nation as a whole; because Your Word says "a house divided against itself cannot stand." We understand that our differences in life, education, backgrounds and understanding can be a problem; but we thank You that these differences can be the sources of diverse ideas that bring answers. We call out for Your wisdom and guidance as these men and women deal with these things. You have helped and guided us through many storms throughout our history as a nation and as a state and we know You will continue as we yield ourselves to Your counsel. Father, I speak blessing on the men and women in this chamber for as Your Word says they are "ministers for our good". I pray that You take care of them and their families and provide everything they need. I also take authority over any forces of darkness that would be set against them, their families, and their offices. Inscribed upon the very walls of this building are the words "righteousness exalts a nation". I pray for the courage and strength for every man, woman and child to walk in righteousness and honesty before You that we may continue to walk as a nation blessed by You and be a beacon to the world. In Jesus mighty Name we pray, Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The President requested that the Journal be read.

Senator Gibbons moved that further reading of the Journal be dispensed with and the same be approved as though having been fully read.

Senator Caskey rose to object to the dispensing of the full reading of the Journal and raised the point of order that the motion made by Senator Gibbons is out of order, as it is not an appropriate motion under the provisions of Senate Rule 97, as it does not include a request to suspend Senate Rule 3.

Senator Gross assumed the Chair.

The point of order was referred to the President Pro Tem, who took it under advisement.

At the request of Senator Caskey, his point of order and objection were withdrawn.

Senator Jacob rose to object to the dispensing of the full reading of the Journal and raised the point of order that it

would require a two-thirds vote under the provisions of Senate Rule 97, to suspend Senate Rule 3.

The point of order was referred to the President Pro Tem.

At the request of Senator Jacob, his point of order and his objection were withdrawn.

Senator Gibbons renewed his motion that further reading of the Journal be dispensed with and the same be approved as though having been fully read, which motion prevailed.

Photographers from KRCG-TV, the Associated Press, KTVO-TV and the News Tribune were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	Absent with leave--Senator DePasco-- 1		
	The Lieutenant Governor was present.		

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 838, regarding Bertha Mullins, Miami, which was adopted.

Senator Mathewson offered Senate Resolution No. 839, regarding the Honorable Norwood A. Creason, Braymer, which was adopted.

Senator Loudon offered Senate Resolution No. 840, regarding Kiara Lackey, which was adopted.

Senator Loudon offered Senate Resolution No. 841, regarding June Kay, which was adopted.

Senator Loudon offered Senate Resolution No. 842, regarding Cathy Thurwachter, which was adopted.

Senator Childers offered Senate Resolution No. 843, regarding Clinton Wesley Miles, Branson, which was adopted.

Senator Shields offered Senate Resolution No. 844, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Al Rohr, Parkville, which was adopted.

Senator Stoll offered Senate Resolution No. 845, regarding the Reverend Ivan Charles Horn, Dittmer, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its

advice and consent to the following:

Randall Stephen Jotte, M.D., as a member of the Advisory Committee for 911 Service Oversight;

Also,

Randall B. Miltenberger, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

David K. Tan, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Jerald A. Pelker, as a member of the Missouri Training and Employment Council;

Also,

Scott M. Olson, as a member of the Seismic Safety Commission;

Also,

Jason W. Ware, as a member of the Harris-Stowe State College Board of Regents;

Also,

Thomas J. Carlson, Michael J. Duggan and Phyllis A. Washington, as members of the Southwest Missouri State University Board of Governors;

Also,

Catherine Lorine Davis, as a member of the Missouri Health Facilities Review Committee;

Also,

Robert J. Saunders, as a member of the Hazardous Waste Mangement Commission;

Also,

Jack E. Gant, as a member of the Missouri Gaming Commission;

Also,

Elson S. Floyd, as a member of the Midwestern Higher Education Commission;

Also,

Darwin A. Hindman, as a member of the Environmental Improvement and Energy Resources Authority;

Also,

Karen L. Berding, Catheryn M. Smith and Linda W. Hancik, as members of the Child Abuse and Neglect Review Board;

Also,

Lydia C. Hurst and Rita B. Hanks, as members of the Northwest Missouri State University Board of Regents;

Also,

Ken H. Keesaman, as a member of the State Fair Commission;

Also,

Mark R. Tucker, as a public member and John C. Lucio, D.O., as a member of the State Board of Registration for the Healing Arts;

Also,

Thomas G. Kolb, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Cynthia O. Blosser, as a member of the Lincoln University Board of Curators;

Also,

Dubart (Nip) J. Neidert, Deanne Lynn Hackman, John F. Morrison and Mark Kelley, as members of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Jack D. Rushin, as a member of the Missouri State Board of Chiropractic Examiners;

Also,

Douglas D. Morgan, as a member of the Missouri State Public Employees Deferred Compensation Commission;

Also,

Gretchen G. Davis, as a member of the Missouri Community Service Commission;

Also,

William B. Siebenborn, as a member of the State Milk Board;

Also,

Raeanne E. Presley, as a member of the Tourism Commission;

Also,

Wilson James Winn, as a member of the Elevator Safety Board;

Also,

Kevin W. Snedden, as a member of the Board of Therapeutic Massage;

Also,

Mike Morado, Sr., as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission;

Also,

Joseph M. Yasso, as a member of the Drug Utilization Review Board.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HS** for **HB 197**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 434**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HCS** for **HB 564**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HS** for **HCS** for **HB 228**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Trans-portion, to which was referred **HB 598**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 327**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 185**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 91**, begs leave to report that

it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 449**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342**, with **SCS**; **HS** for **HB 668**, with **SCS**; **SS No. 2** for **SB 695**; and **SB 236**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 236 was placed on the Informal Calendar.

SS for **SB 242**, introduced by Senator Yeckel, entitled:

An Act to amend chapter 512, RSMo, by adding thereto one new section relating to supersedeas bond requirements, with an emergency clause.

Was taken up.

On motion of Senator Yeckel, **SS** for **SB 242** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--29			
NAYS--Senators			
Bland	Dougherty	Wheeler--3	
Absent--Senator Quick-- 1			
Absent with leave--Senator DePasco-- 1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators			

Bland
Dougherty--2
Absent--Senators
Quick
Russell--2
Absent with leave--Senator DePasco--1

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS No. 2 for SB 695, introduced by Senators Goode and Russell, entitled:

An Act to repeal sections 208.010, 208.015, 208.151, 208.152, 208.153, 208.154, 208.156, 208.162, 208.565, 338.501, 338.515, 338.520, 338.525, 338.545, and 338.550, RSMo, and to enact in lieu thereof eleven new sections relating to medical services and eligibility, with an emergency clause.

Was taken up by Senator Goode.

Senator Goode requested unanimous consent of the Senate to offer a perfecting amendment, which request was granted.

Senator Goode offered **SPA 1**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 1, In the Title, Line 2, by striking the following: "208.153,"; and

Further amend said bill and page, Section A, Line 1, by striking the following: "208.153,".

Senator Goode moved that the above perfecting amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Goode, **SS No. 2 for SB 695**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Vogel	Yeckel--20
	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Foster	Jacob
Kennedy	Quick	Steelman	Stoll
Wheeler--13			
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy--8
Absent--Senators			
Quick	Wheeler--2		
Absent with leave--Senator DePasco--1			

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 688**--Pensions and General Laws.

HS for **HB 481**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HS for **HCS** for **HB 121**--Aging, Families, Mental and Public Health.

HCS for **HB 138**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 593--Small Business, Insurance and Industrial Relations.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 32**.

HOUSE CONCURRENT RESOLUTION NO. 32

WHEREAS, Section 21.760 of the Missouri Revised Statutes provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the aforesaid provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and

management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 60** and has taken up and passed **SCS** for **HB 60**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 57** and has taken up and passed **SCS** for **HB 57**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HBs 59** and **269** and has taken up and passed **SCS** for **HCS** for **HBs 59** and **269**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HBs 152** and **180** and has taken up and passed **SCS** for **HCS** for **HBs 152** and **180**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 16**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2003 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 17**, entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article

IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 18**, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 19**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 20**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2003 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS No. 2** for **SB 52**: Senators Shields, Childers, Foster, Coleman and Bray.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 394**, as amended: Senators Bartle, Yeckel, Clemens, Coleman and Kennedy.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS for SB 448**: Senators Bartle, Klindt, Loudon, Jacob and Caskey.

On motion of Senator Gibbons, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

THIRD READING OF SENATE BILLS

SB 236, introduced by Senators DePasco and Loudon, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to memorial for workers.

Was called from the Informal Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **SB 236** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Dolan	Jacob	Klindt	Vogel--4
Absent with leave--Senator DePasco-- 1			

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for HBs 122 and 80, entitled:

An Act to repeal sections 92.402 and 92.418, RSMo, and to enact in lieu thereof two new sections relating to a public mass transportation system sales tax.

Was called from the Informal Calendar and taken up by Senator Bland.

On motion of Senator Bland, **HCS for HBs 122 and 80** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Dolan	Jacob	Klindt	Vogel--4
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS** for **HCS** for **HBs 679** and **396**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 390** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 390**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 5** to **HS** for **HCS** for **HB 156** and has taken up and passed **HS** for **HCS** for **HB 156**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 36**, entitled:

An Act to repeal sections 260.273, 260.475, 260.479, 260.830, 260.831, 444.770, 444.772, 444.778, 640.010, and 643.078, RSMo, and to enact in lieu thereof seventeen new sections relating to environmental regulation.

With House Amendments Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment

No. 3 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendments Nos. 6, 7, 9, 10, House Substitute Amendment No. 1 for House Amendment No. 11, and House Amendment No. 12.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 23, Section 643.078, Line 89, by inserting immediately after all of said line the following:

"Section 1. In letting contracts for the performance of any job or service for the removal or clean up of waste tires pursuant to chapter 260, RSMo, the department of natural resources shall, in addition to the requirements of sections 34.073 and 34.076, RSMo, and any other points awarded during the evaluation process, give to any vendor that meets one or more of the following factors a five percent preference and ten bonus points for each factor met:

(1) The bid is submitted by an individual, partnership, association, or corporation vendor that has resided or maintained its headquarters or principal place of business in Missouri continuously for the four years immediately preceding the date on which the bid is submitted;

(2) The bid is submitted by a nonresident corporation vendor that has an affiliate or subsidiary that employs at least twenty state residents and has maintained its headquarters or principal place of business in Missouri continuously for the four years immediately preceding the date on which the bid is submitted;

(3) The bid is submitted by an individual, partnership, association, or corporation vendor that resides or maintains its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent of such vendor's employees are Missouri residents who have resided in the state continuously for at least two years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this subdivision and submit a written claim for preference at the time the bid is submitted;

(4) The bid is submitted by a nonresident vendor that has an affiliate or subsidiary that employs at least twenty state residents and has maintained its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent of such vendor's employees are Missouri residents who have resided in the state continuously for at least two years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this subdivision and submit a written claim for preference at the time the bid is submitted;

(5) The bid is submitted by any vendor that provides written certification that the end use of the tires collected during the project will be for fuel purposes or for the manufacture of a useable good or product." ; and

Further amend said bill in the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 13, Section 640.010, Line 10, by deleting the word **"property"** ; and

Further amend said bill, said page, said section, Line 11, by deleting the word, **"property"**.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 23, Section 643.078, Line 89, by inserting after all of said line the following:

"Section 1. Notwithstanding any other provision of law to the contrary, no rule or regulation proposed,

promulgated, adopted, or amended by the department of agriculture, division of weights and measures, shall be applied retroactively to existing facilities or construction unless the department or the division establishes by clear and convincing evidence that the rule or regulation shall be applied retroactively to protect the health and safety of the public.

Section 2. No city, county, or other political subdivision of the state of Missouri shall impose a requirement for financial responsibility on owners or operators of underground or above ground petroleum storage tanks. This provision shall fully preempt any such local financial responsibility requirements which are in effect on August 28, 2003."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 3, by deleting the word "seventeen" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, In the Title, Line 4, by inserting after the word "regulation" the phrase ", with penalty provisions"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seventeen" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "and"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the number "444.778," the numbers "490.750, 490.753, 490.755, 490.757, 490.759, 490.762, 490.765,"; and

Further amend said bill, Page 12, Section 444.778, Line 50, by inserting after all of said line the following:

"490.750. 1. An environmental audit privilege as provided in sections 490.750 to 490.765 is hereby created to protect the confidentiality of communications relating to voluntary internal environmental audits.

2. Except as provided in section 490.755, an environmental audit and an environmental audit report, as defined in section 490.753, shall be privileged and shall not be admissible as evidence in any legal action in any civil, criminal or administrative proceeding, nor shall such information be required to be disclosed in response to a regulatory inspection or inquiry.

490.753. As used in sections 490.750 to 490.765, the following terms mean:

(1) "Environmental audit", a voluntary internal evaluation of one or more facilities, processes or activities regulated under the environmental laws of the United States, this state or a political subdivision thereof, or of management systems related to such facility, process or activity, that is designed to determine compliance with such laws. An environmental audit may be conducted by the owner or operator, by the owner's or operator's employees or by independent contractors;

(2) "Environmental audit report", a set of documents prepared as a result of an environmental audit, including all information and documents generated and collected by the auditor which may be based upon and may include, but shall not be limited to field notes and records of observations, samples, analytical results, findings, opinions, suggestions, conclusions, drafts, memoranda, drawings, photographs, computer-generated or electronically recorded information, maps, charts, graphs and surveys, interviews, discussions, correspondence and communications related to the environmental audit; provided that such supporting information is collected or developed for the primary purpose and in the course of an environmental audit. An environmental audit report, when completed, may have three components:

(a) An audit report prepared by the auditor, which may include the scope of the audit, the information gained in the audit, conclusions and recommendations, together with exhibits and appendices;

(b) Memoranda and documents analyzing portions or all of the audit report and discussing potential implementation issues; and

(c) An implementation plan that addresses correcting past noncompliance, improving current compliance or preventing future noncompliance;

(3) "Waive" or "waiver", disseminating the environmental audit or environmental audit report in whole or in part to someone other than the owner or operator of the facility and its employees, agents, affiliates and successors in interest, the auditor and its employees, agents, subcontractors and successors in interest, current or prospective lending institutions of the owner or operator where disclosure is required as a condition of lending, and a prospective purchaser where disclosure is made under a confidentiality agreement. Waiver does not occur when:

(a) The facility owner or operator or the auditor is compelled by an administrative body or court of competent jurisdiction to disclose all or part of the environmental audit or environmental audit report;

(b) Dissemination of the environmental audit or environmental audit report, in whole or in part, is done to prevent noncompliance or improve compliance with federal, state or local environmental laws.

490.755. 1. The privilege described in subsection 2 of section 490.750 does not apply to the extent that it is waived by the owner or operator of a facility at which an environmental audit was conducted and such owner or operator prepared or caused to be prepared the environmental audit report as a result of the audit.

2. In any proceeding before a court or administrative body, after in camera review consistent with rules of procedure, the court or administrative body may require disclosure of material for which the privilege described in subsection 2 of section 490.750 is asserted, if the court or administrative body determines that:

(1) The privilege is asserted for a fraudulent purpose;

(2) The material is not subject to the privilege; or

(3) Even if subject to the privilege, the material reasonably tends to show noncompliance with the environmental laws of the United States, the state of Missouri or a political subdivision thereof, and the party asserting the privilege did not exercise ordinary care to initiate and pursue compliance upon discovery of noncompliance. Such a determination shall not constitute a final judgment regarding compliance.

3. A party asserting the environmental audit privilege described in subsection 2 of section 490.750 has the burden of demonstrating the applicability of the privilege, including if there is evidence of noncompliance with applicable environmental laws, proof that the party exercised ordinary care to initiate and pursue compliance upon discovery of noncompliance; provided, however, that a party seeking disclosure pursuant to subdivision (1) of subsection 2 of this section has the burden of proving that the privilege is asserted for a fraudulent purpose and, in a criminal proceeding, the state has the burden of proving the conditions for disclosure set forth in subdivision (2) of subsection 2 of this section.

490.757. 1. The state, having probable cause to believe a criminal offense has been committed under the environmental laws of the state of Missouri based upon information obtained from a source independent of an environmental audit report, may obtain an environmental audit report for which a privilege is asserted pursuant to subsection 2 of section 490.750 pursuant to discovery as allowed by the Missouri supreme court rules. The state shall immediately place the report under seal and shall not review or disclose the contents of the report until ordered by a court or until the privilege is waived. The burden shall be on the state to show the information came from a source independent of an environmental audit report.

2. Within thirty days of the state obtaining an environmental audit report, the owner or operator who prepared or caused to be prepared the report may file with the appropriate court a petition requesting an in camera review in accordance with subsection 4 of this section on whether the environmental audit report or portions thereof are privileged or subject to disclosure pursuant to sections 490.750 to 490.765.

3. In a civil or administrative proceeding, the existence of an environmental audit report is subject to disclosure to the inquiring litigant. The party in possession of such report may assert the privilege in any response made. The party in possession is not required to provide the inquiring party with a copy of such report. The inquiring party may file, with the appropriate court or administrative body, a petition requesting an in camera review in accordance with subsection 4 of this section on whether the environmental audit report or portions thereof are privileged or subject to disclosure pursuant to sections 490.750 to 490.765. Failure by the inquiring party to file such petition shall forfeit the party's argument that the report is not privileged.

4. Upon filing of a petition for in camera review, the court or administrative body shall issue an order scheduling an in camera review within forty-five days of the filing of the petition to determine whether the environmental audit report or portions thereof are privileged or subject to disclosure pursuant to sections 490.750 to 490.765. In the case of a criminal proceeding, such order shall allow the prosecuting attorney, circuit attorney or attorney general to remove the seal from the report to review the report and shall place appropriate limitations on the distribution and review of the report to protect against unnecessary disclosure. The prosecuting attorney, circuit attorney or attorney general may consult with law enforcement agencies regarding the contents of the report as necessary to prepare for the in camera review. The information used in preparation for the in camera review shall not be used in any investigation or in any legal proceeding and shall otherwise be kept confidential, unless and until such information is found by the court or administrative body to be subject to disclosure.

5. In the case of a civil or administrative proceeding, the court or administrative body shall issue such order as is appropriate regarding whether the information in the report is subject to disclosure. The court or administrative body may place appropriate limitations on the distribution and review of the report to protect against unnecessary disclosure.

6. In any civil, criminal or administrative proceeding, failure to comply with the review, disclosure or use prohibitions of this section shall be the basis for suppression of any evidence arising or derived from the unauthorized review, disclosure or use. The party failing to comply with this section shall have the burden of proving that proffered evidence did not arise and was not derived from the unauthorized activity.

7. The parties may at any time stipulate to entry of an order directing that specific information contained in an environmental audit report is or is not subject to the privilege provided in subsection 2 of section 490.750.

8. Upon making a disclosure determination pursuant to subsection 2 of section 490.755, the court or administrative body may compel the disclosure only of those portions of an environmental audit report relevant to issues in dispute in the proceeding.

9. If the order requiring disclosure is made by an administrative body, the aggrieved party may seek an immediate appeal to a court of competent jurisdiction. Such appeal shall be filed within ten days after receipt of the order requiring disclosure and shall serve as an immediate stay of the order requiring disclosure.

10. Any public entity, public employee, or public official who divulges all or any part of the information contained in an environmental audit report in violation of the provisions of this section or knowingly divulges or disseminates all or any part of the information contained in an environmental audit report that was provided to such public entity, public employee or public official in violation of the provisions of this section is guilty of a class A misdemeanor.

11. Any disclosure or dissemination described in this section shall not abrogate the privilege afforded by section 490.750, provided the environmental audit report otherwise meets the requirements of sections 490.750 to 490.765.

490.759. The privilege described in subsection 2 of section 490.750 shall not extend to:

- (1)** Documents, communications, data, reports, or other information required to be collected, developed, maintained, reported or otherwise made available to a regulatory agency pursuant to the environmental laws, ordinances, regulations, permits or orders of the United States, this state, or a political subdivision thereof. This subsection shall not exclude from the privilege any observations, findings, opinions, suggestions or conclusions derived from the above by the state auditor;
- (2)** Information obtained by observation, sampling or monitoring by any regulatory agency; or
- (3)** Information obtained from a source independent of the environmental audit or the environmental audit report.

490.762. 1. For the purposes of this section, a disclosure of information by a person or entity to any division or agency within the department of natural resources regarding any information related to an environmental law is voluntary if all of the following are true:

- (1)** The disclosure is made promptly after knowledge of the information disclosed is obtained by the person or entity;
- (2)** The disclosure arises out of an environmental audit;
- (3)** The person or entity making the disclosure initiates an appropriate effort to achieve compliance, pursues compliance with due diligence and corrects the noncompliance within two years after the completion of the environmental audit. Where such evidence shows the noncompliance is the failure to obtain a permit, appropriate efforts to correct the noncompliance may be demonstrated by the submittal of a complete permit application within a reasonable time; and
- (4)** The person or entity making the disclosure cooperates with the appropriate division or agency in the department of natural resources regarding investigation of the issues identified in the disclosure.

2. For the purposes of subdivision (3) of subsection 1 of this section, upon application to the department of natural resources, the time period within which the noncompliance is required to be corrected may be extended by the department if it is not practicable to correct the noncompliance within the two-year period. A request for a de novo review of the decision of the department of natural resources may be made to the appropriate court.

3. If a person or entity is required to make a disclosure to a division or program within the department of natural resources under a specific permit condition or under an order issued by the division or program, the disclosure is not voluntary with respect to that division or program.

4. If any person or entity makes a voluntary disclosure of an environmental violation to a division or program within the department of natural resources, the department shall not seek any administrative or civil penalties associated with the issues disclosed from the person or entity nor shall the department seek any criminal penalties for negligent acts associated with the issues disclosed. The person or entity shall provide information supporting its claim that the disclosure is voluntary at the time that the disclosure is made to the division or program; in so doing, the person or entity creates a rebuttable presumption that the disclosure is voluntary.

5. To rebut the presumption that a disclosure is voluntary, the appropriate division or program shall show to the satisfaction of the respective commission in the department of natural resources, or to the department if the program is not under a commission, that the disclosure was not voluntary based upon the factors set forth in subdivisions (1), (2) and (3) of subsection 1 of this section. A decision by the commission regarding the voluntary nature of a disclosure is final agency action. The division or program shall not include any administrative penalty or seek a civil penalty or a criminal conviction for negligent acts on any underlying

environmental violation that is alleged absent a finding by the respective commission that the division or program has rebutted the presumption of voluntariness of the disclosure. The burden to rebut the presumption of voluntariness is on the division or program. A commission decision, or a department decision for a program not under a commission, regarding voluntariness may be appealed to a court of competent jurisdiction by the person or entity making the initial disclosure. Such an appeal shall be filed within ten days after receipt of the order regarding voluntariness and shall serve as an immediate stay of the order regarding voluntariness.

6. The prohibition against administrative, civil, or criminal penalties pursuant to this section does not apply if a person or entity has been found by a court or administrative body to have committed serious violations that constitute a pattern of continuous or repeated violations of environmental laws, rules, regulations, permit conditions, settlement agreements or orders on consent and that were due to separate and distinct events giving rise to the violations, within the three-year period prior to the date of the disclosure. Such a pattern of continuous or repeated violations may also be demonstrated by multiple settlement agreements related to substantially the same alleged violations concerning serious instances of noncompliance with environmental laws that occurred within the three-year period immediately prior to the date of the voluntary disclosure.

7. Except as specifically provided in this section, this section does not affect any authority the department of natural resources has to require any action associated with the information disclosed in any voluntary disclosure of an environmental violation.

490.765. Nothing in sections 490.750 to 490.765 shall limit, forfeit or abrogate the scope or nature of any statutory or common law privilege, including the critical self-analysis or self-evaluative privilege, the work product doctrine, and the attorney-client privilege."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 52, Section 644.051, Line 14 of said page, by inserting immediately after the word "**property**" the words "**,does not reach waters of the state,**".

HOUSE AMENDMENT NO. 3 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 2, Section 204.600, Line 3, by inserting immediately after the word "**RSMo,**" the words "**except sewer districts subject to section 204.472, RSMo,**".

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following: "640.010, 643.078, and 644.051, RSMo, and to enact in lieu thereof fifty-five new sections relating"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting all of said line and inserting in lieu thereof the following: "444.778, 640.010, 643.078, and 644.051, RSMo, are repealed and fifty-five new sections enacted in lieu"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting before the number "260.217" the following:

"204.600, 204.605, 204.610, 204.615, 204.620, 204.625, 204.630, 204.635, 204.640, 204.645, 204.650, 204.655,

204.660, 204.665, 204.670, 204.675, 204.680, 204.685, 204.690, 204.695, 204.700, 204.705, 204.710, 204.715, 204.720, 204.725, 204.730, 204.735, 204.740, 204.745, 204.750, 204.755, 204.760,"; and

Further amend said bill, Page 1, Section A, Lines 4 and 5, by deleting all of said lines and inserting in lieu thereof the following: "260.831, 444.770, 444.772, 444.778, 640.010, 640.014, 640.016, 640.018, 640.020, 640.037, 643.078, 644.051, 644.581, 644.582, 644.583, and 1, to read as follows:

204.600. Any common sewer district organized and existing pursuant to sections 204.250 to 204.270, and any sewer district organized and existing pursuant to chapter 249, RSMo, may be converted to a reorganized common sewer district pursuant to sections 204.600 to 204.700. In addition, a reorganized common sewer district may be established as provided for in sections 204.600 to 204.700. Once established, a reorganized common sewer district shall have all powers and authority of and applicable to a common sewer district organized and existing pursuant to sections 204.250 to 204.270 and applicable to a sewer district established pursuant to chapter 249, RSMo, which are not inconsistent or in conflict with sections 204.600 to 204.700.

204.605. 1. Proceedings for the new formation of a reorganized common sewer district pursuant to sections 204.600 to 204.700 shall be substantially as follows: a petition in duplicate describing the proposed boundaries of the reorganized district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situated or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of acquiring or constructing sanitary sewer improvements with the district, if appropriate, an approximation of the assessed valuation of taxable property within the district, whether the board of trustees shall be elected or appointed by the county commission, and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by not less than fifty voters or property owners within the proposed district and shall pray for the incorporation of the territory therein described into a reorganized common sewer district. The petition shall be verified by at least one of the signers thereof.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in a newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the proposed boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than fifteen nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in a daily paper once a week for three consecutive weeks.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the formation of a district, or to the boundaries outlined in the petition for the incorporation thereof, may be made by any voter or property owner within the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are being made. If any such exceptions be filed, the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Should the court find that the petition should be granted but that changes should be made in the boundary lines, it shall make such changes in the boundary lines as set forth in the petition as the court may deem proper, and thereupon enter its decree of incorporation, with such

boundaries as changed.

5. Should the court find that it would not be to the public interest to form such a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the formation of such district, the court shall enter its decree of incorporation, setting forth the boundaries of the proposed district as determined by the court under the hearing. The decree shall further contain an appointment of five voters from the district, to constitute the first board of trustees of the district. The court shall designate such trustees to staggered terms from one to five years such that one director is appointed or elected each year. The trustees thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as provided in section 204.625. The decree shall further designate the name of the district by which it shall be officially known.

6. The decree of incorporation shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of the voters as provided in subsection 9 of this section or by two-thirds of the voters of the district voting on the proposition. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and declaring the result of such election.

7. If a majority of the voters of the district voting on such proposition approve of the proposition, then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court should find that the question had not been assented to by the majority required above, the court shall enter a further order declaring such decree of incorporation to be void and of no effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid orders. In the event that the court declares the decree of incorporation to be final, as herein provided for, the clerk of the circuit court shall file certified copies of such decree of incorporation and of such final order with the secretary of state, and with the recorder of deeds of the county or counties in which the district is situated and with the clerk of the county commission of the county or counties in which the district is situated.

8. The costs incurred in the formation of the district shall be taxed to the district, if the district be incorporated otherwise against the petitioners.

9. If petitioners seeking formation of a reorganized common sewer district specify in their petition that the district to be organized shall be organized without authority to issue general obligation bonds, then the decree relating to the formation of the district shall recite that the district shall not have authority to issue general obligation bonds and the vote required for such a decree of incorporation to become final and conclusive shall be a simple majority of the voters of the district voting on such proposition.

10. Once a reorganized sewer district is established, the boundaries of any reorganized sewer district may be extended or enlarged from time to time upon the filing, with the clerk of the circuit court having jurisdiction, a petition by either:

(1) The board of trustees of the reorganized sewer district and five or more voters within the territory proposed to be added to the district; or

(2) A majority of the landowners within the territory which is proposed to be added to the reorganized sewer district.

If the petition is filed by a majority of the landowners within the territory proposed to be added to the reorganized sewer district, the publication of notice shall not be required, provided notice is posted in three public places within the territory proposed to be added to the reorganized sewer district at least seven days before the date of the hearing and provided that there is sworn testimony by at least five landowners in the territory proposed to be added to the reorganized sewer district, or a majority of the landowners, if the total

landowners in the area are fewer than ten. Otherwise the procedures for notice shall substantially follow those set out in this section, for formation. Territory proposed to be added to the reorganized sewer district may either be contiguous or reasonably close to the boundaries of the existing district. Upon the entry of a final judgment declaring the court's decree of territory proposed to be added to the reorganized sewer district to be final and conclusive, the court shall modify or rearrange the boundary lines of the reorganized sewer district as may be necessary or advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the district, if the district be enlarged or extended, otherwise against the petitioners; provided, however, that no costs shall be taxed to the trustees of the district.

11. Should any property owner or property owners who own real estate that is not within another sewer district organized pursuant to this chapter, chapters 247 and 249, RSMo, or pursuant to the state constitution, but that is contiguous or reasonably close to the existing boundaries of the reorganized sewer district, desire to have such real estate incorporated in the district, the property owner shall first petition the board of trustees thereof for its approval. If such approval be granted, the secretary of the board shall endorse a certificate of the fact of approval by the board upon the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the reorganized sewer district is incorporated. It shall then be the duty of the court to amend the boundaries of such district by a decree incorporating the real estate in the same. A certified copy of this amended decree including the real estate in the district shall then be filed in the office of the recorder and in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner.

12. The board of trustees of any reorganized common sewer district may petition the circuit court of the county containing the majority of the acreage in the district for an amended decree of incorporation to allow that district to engage in the construction, maintenance and operation of water supply and distribution facilities which serve ten or more separate properties which are located wholly within the district and are not served by another political subdivision or are not located within the certificated area of a water corporation as defined in chapter 386, RSMo, or within a public water supply district as defined in chapter 247, RSMo, and the operation and maintenance of all such existing water supply facilities. The petition shall be filed by the board of trustees and all proceedings shall be in substantially the same manner as in action for initial formation of a reorganized common sewer district except that no vote of the residents of the district shall be required. All applicable provisions of this chapter shall apply to the construction, operation and maintenance of water supply facilities in the same manner as they apply to like functions relating to sewer treatment facilities.

204.610. 1. Any existing common sewer district organized and existing pursuant to sections 204.250 to 204.270 and any sewer district organized and existing pursuant to chapter 249, RSMo, may establish itself as a reorganized common sewer district pursuant to sections 204.600 to 204.700 by petitioning the circuit court of the county in which it was established to approve its reorganization pursuant to sections 204.600 to 204.700 if the governing body of the district has by resolution determined that it is in the best interest of the district to reorganize pursuant to sections 204.600 to 204.700. Such petition shall also specify whether the board of trustees shall be appointed by the governing body of the county, or elected by the voters of the district. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by the trustees of the district and shall pray for the conversion of the district into a reorganized common sewer district.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in a newspaper of general circulation within the existing district or closest to the existing district if there is no newspaper of general circulation within the existing district and if the existing district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the boundary lines of the existing district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than fifteen nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly

newspaper or in a daily paper once a week for three consecutive weeks.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the conversion of an existing district to a reorganized common sewer district, may be made by any voter or property owner within the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are being made. If any such exceptions be filed, the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Should the court find that it would not be in the public interest to form such a district, the petition shall be dismissed at the costs of the petitioners. If the court finds that the conversion of the district to a reorganized common sewer district pursuant to sections 204.600 to 204.700 is in the best interests of the persons served by the existing district, then the court shall order the district's decree of incorporation amended to permit reorganization pursuant to sections 204.600 to 204.700 and the existing board of trustees for such district shall continue to serve the reorganized common sewer district until such time as new trustees shall be appointed or elected as provided for in the court's decree. If their original terms of office are not so designated, the court shall designate such trustees to staggered terms from one to five years such that one trustee is appointed or elected each year. The trustees thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as provided in section 204.625. The decree shall further designate the name of the district by which it shall be officially known.

204.615. The bonded indebtedness or security interest of any creditor of any common sewer district originally organized and existing pursuant to sections 204.250 to 204.270 and any sewer district originally organized and existing pursuant to chapter 249, RSMo, which convert to a reorganized common sewer district shall not be impaired or affected by such conversion and all covenants and obligations of such indebtedness shall remain in full force and effect payable pursuant to the terms and conditions which existed without conversion.

204.620. 1. When a decree or amended decree of incorporation is issued as provided for in sections 204.600 to 204.700, a reorganized common sewer district shall be considered in law and equity a body corporate and politic and political subdivision of this state, known by the name specified in the court's decree, and by that name and style may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property necessary for corporate purposes, and adopt a common seal. A reorganized common sewer district also shall have exclusive jurisdiction and authority to provide wastewater collection and treatment services within the boundaries of the district with respect to any wastewater service provider authorized to provide sewer services pursuant to the laws of this state.

2. All courts in this state shall take judicial notice of the existence of any district organized pursuant to sections 204.600 to 204.700.

204.625. 1. There shall be five trustees, appointed or elected as provided for in the circuit court decree or amended decree of incorporation for a reorganized common sewer district, who shall reside within the boundaries of the district. Each trustee shall be a voter of the district and shall have resided in said district one whole year immediately prior to his/her election or appointment. A trustee shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his or her election or appointment. Regardless of whether or not the trustees are elected or appointed, in the event the district extends into any county bordering the county in which the greater portion of the district lies, the presiding commissioner or other chief executive officer of the adjoining county shall be an additional member of the board of trustees, or the governing body of such bordering county may appoint a citizen from such county to serve as an additional member of the board of trustees. Said additional trustee shall meet the qualifications set forth above for a trustee.

2. The trustees shall receive no compensation for their services, but may be compensated for their reasonable expenses normally incurred in the performance of their duties. The board of trustees may employ and fix the

compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. The board of trustees may employ and fix the duties and compensation of an administrator for the district. The administrator shall be the chief executive officer of the district subject to the supervision and direction of the board of trustees. The administrator of the district may, with the approval of the board of trustees, retain consulting engineers for the district under such terms and conditions as may be necessary to discharge the business and purposes of the district.

3. Except as provided in subsection 1 of this section, the term of office of a trustee shall be five years. The remaining trustees shall appoint a person qualified pursuant to this section to fill any vacancy on the board. The initial trustees appointed by the circuit court shall serve until the immediately following first Tuesday after the first Monday in June or until the immediately following first Tuesday after the first Monday in April, depending upon the resolution of the trustees. In the event that the trustees are elected, said elections shall be conducted by the appropriate election authority pursuant to chapter 115, RSMo. Otherwise, trustees shall be appointed by the county commission in accordance with the qualifications set forth in subsection 1 of this section.

4. Notwithstanding any other provision of law, if there is only one candidate for the post of trustee, then no election shall be held, and the candidate shall assume the responsibilities of office at the same time and in the same manner as if elected. If there is no candidate for the post of trustee, then no election shall be held for that post and it shall be considered vacant, to be filled pursuant to the provisions of subsection 3 of this section.

204.630. The board of trustees of a reorganized common sewer district shall have no power to levy or collect any taxes for the payment of any general obligation bond indebtedness incurred by the reorganized common sewer district unless and until the voters of the reorganized common sewer district shall have authorized the incurring of indebtedness at an election. All expenses and indebtedness incurred by the reorganized common sewer district may be paid out of funds which may be received by the reorganized common sewer district from the sale of bonds authorized by the voters of the reorganized common sewer district.

204.635. 1. The total amount of any general obligation bonds issued by the reorganized common sewer district shall not exceed ten percent of the assessed valuation of all taxable tangible property, as shown by the last completed property assessment for state or local purposes, within the reorganized common sewer district.

2. Such bonds shall be signed by the president of the board of trustees and attested by the signature of the secretary of the board of trustees with the seal of the district affixed thereto, if there be a seal. The interest coupons may be executed by affixing thereon the facsimile signature of the secretary of the district. The bonds may be sold under the same conditions as are provided for the sale of county road bonds.

3. All general obligation bonds issued pursuant to sections 204.600 to 204.700 shall be registered in the office of the state auditor as provided by law for the registration of bonds of cities and in the office of the secretary of the board of trustees of the district in a book kept for that purpose for registry, shall show the number, date, amount, date of sale, name of the purchaser, and the amount for which the bond was sold. The moneys of the reorganized common sewer district shall be deposited by the treasurer of the reorganized common sewer district in such bank or banks as shall be designated by order of the board of trustees and the secretary of the reorganized common sewer district shall charge the treasurer therewith and the moneys shall be drawn from the treasury upon checks or warrants issued by the reorganized common sewer district for the purposes for which the bonds were issued.

204.640. 1. The board of trustees of any reorganized common sewer district shall have power to pass all necessary rules and regulations for the proper management and conduct of the business of the board of trustees, and of the district, and for carrying into effect the objects for which the reorganized common sewer district is formed.

2. The board of trustees of a reorganized common sewer district, subject to compliance with the exercise of lawful authority granted to or rules adopted by the clean water commission pursuant to section 644.026, RSMo,

may exercise primary authority to adopt, modify, and repeal, and to administer and enforce rules and regulations with respect to:

- (1) The establishment, construction, reconstruction, improvement, repair, operation, and maintenance of its sewer systems and treatment facilities;
- (2) Industrial users discharging into its sewer systems or treatment facilities;
- (3) The establishment, operation, administration, and enforcement of a publicly owned treatment works pretreatment program consistent with state and federal pretreatment standards, including inspection, monitoring, sampling, permitting, and reporting programs and activities.

The board of trustees may, in addition to any pretreatment standards imposed pursuant to this section, require of any user of its treatment facilities such other pretreatment of industrial wastes as it deems necessary to adequately treat such wastes.

3. The rules and regulations adopted by the board of trustees pursuant to subsection 2 of this section shall be applicable, and enforceable by civil, administrative or other actions within any territory served by its sewer systems or treatment facilities and against any municipality, subdistrict, district, or industrial user who shall directly or indirectly discharge sewage or permit discharge of sewage into the district's sewer system or treatment facilities.

4. The authority granted to the board by this section is in addition to and not in derogation of any other authority granted pursuant to the constitution and laws of Missouri, any federal water pollution control act, or the rules of any agency of federal or state government.

5. The term "industrial user", as used in this section shall mean any nondomestic source of discharge or indirect discharge into the district's wastewater system which is regulated pursuant to section 307(b), (c), or (d) of the Clean Water Act, or any source listed in division A, B, D, E, or I of the Standard Industrial Classification Manual, or any solid waste disposal operation such as, but not limited to, landfills, recycling facilities, solid or hazardous waste handling or disposal facilities, and facilities which store or treat aqueous wastes as generated by facilities not located on site and which dispose of these wastes by discharging them into the district's wastewater system.

204.645. 1. It shall be the duty of the board of trustees of a reorganized common sewer district to make the necessary surveys, and to lay out and define the general plan for the construction and acquisition of land, rights-of-way and necessary sewers and treatment facilities and of any extensions, expansions, or improvements thereof within the district.

2. The board of trustees of a reorganized common sewer district may enter into agreements with each municipality, subdistrict, private district, or any industrial user which discharges sewage into trunk sewers, streams, or the treatment facilities of the reorganized common sewer district concerning the locations and the manner in which sewage may be discharged into the district system or streams within the district and concerning the permissible content of acid wastes, alkaline wastes, poisonous wastes, oils, grit, or other wastes which might be hazardous or detrimental to the system. If no agreement is obtained with regard to any such matter the trustees shall refer the dispute to the clean water commission and the determination of the commission shall be binding upon the district, municipality, subdistrict, or private district. Each municipality, subdistrict, or private district shall control the discharge of wastes into its collection sewers to the extent necessary to comply with the agreement or the determination of the clean water commission. The board of trustees of a reorganized common sewer district or the governing body of any municipality, subdistrict, private district, or industrial user discharging sewage into the stream or the system may petition the circuit court which decreed the incorporation of the district for an order enforcing compliance with any provision of such an agreement or determination, and that circuit court shall have jurisdiction in all cases or questions arising out of the organization or operations of the district, or from the acts of the board of trustees.

3. The board of trustees may contract with each participating community for the payment of its proportionate share of treatment costs.

4. The board of trustees may contract with public agencies, individuals, private corporations, and political subdivisions, inside and outside the reorganized common sewer district to permit them to connect with and use the district's facilities according to such terms, conditions, and rates as the board determines are in the interest of the district and regardless of whether such agencies, individuals, corporations, and subdivisions are in the same natural drainage area or basins as the district. However, if such an area is located within the boundaries of an existing common sewer district or reorganized common sewer district organized and existing pursuant to this chapter, a sewer district organized and existing pursuant to chapter 249, RSMo, or a public water supply district organized pursuant to chapter 247, RSMo, the board of trustees must give written notice to said district before such a contract is entered into, and the district must consent to said contract.

5. The board of trustees may refuse to receive any wastes into the sewage system which do not meet relevant state or federal water pollution, solid waste, or pretreatment standards.

6. The board of trustees shall have all of the powers necessary and convenient to provide for the operation, maintenance, administration, and regulation, including the adoption of rules and regulations, of any individual home sewage or business treatment systems within the jurisdiction of the common sewer district. The board of trustees shall have the authority to declare the violation of any of its rules and regulations to be a misdemeanor punishable as provided by law, or to declare violation of any of its rules and regulations punishable by imposition of a civil fine not to exceed one thousand dollars per day payable to the common sewer district, in addition to any other civil remedy which may be available at law or in equity.

7. The board of trustees shall have all of the powers necessary and convenient to provide for the operation and maintenance of its treatment facilities and the administration, regulation, and enforcement of its pretreatment program, including the adoption of rules and regulations, to carry out its powers with respect to all municipalities, subdistricts, districts, and industrial users which discharge into the collection system of the district's sewer system or treatment facilities. These powers include, but are not limited to:

(1) The promulgation of any rule, regulation, or ordinance;

(2) The issuance, modification, or revocation of any order;

(3) The issuance, modification, or revocation of any permit;

(4) The levying of a civil administrative fine upon any industrial user in violation of the district's rules, regulations, and ordinances, or any permit or order issued thereunder, in an amount not to exceed one thousand dollars per violation per day;

(5) Commencing an action through counsel for appropriate legal or equitable relief in the circuit court which decreed the district's incorporation against any industrial user in violation of the district's rules, regulations, and ordinances or any permit or order issued thereunder; and

(6) Petitioning the prosecutor for the county in which any criminal violation of the district's rules, regulations, ordinances, or any permit or order issued thereunder has occurred to institute criminal proceedings.

8. The board of trustees may adopt rules and regulations creating procedural remedies for all persons affected by any order or permit issued, modified, or revoked or any fine or penalty levied by the board including but not limited to the grant of reasonable time periods for such persons to respond, to show cause, and to request reconsideration of fines or penalties levied.

9. Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to the district's rules, regulations, ordinances, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate

any monitoring device or method required under the district's rules, regulations, or ordinances shall be fined not more than one thousand dollars per violation per day. In the event of a second violation, the person shall be fined not to exceed three thousand dollars per violation per day. Third or subsequent violations of this subsection are punishable as a class D felony.

10. Whenever any reference is made in this section to any action that may be taken by the board of trustees, such reference includes such action by its executive officer pursuant to powers and duties delegated to such executive officer by the board of trustees.

204.650. 1. The board of trustees may acquire by purchase, gift, or condemnation or may lease or rent any real or personal property and when condemnation is used shall follow the procedure that is provided by chapter 523, RSMo. All the powers may be exercised both within or without the district as may be necessary for the exercise of its powers or the accomplishment of its purposes. The board of trustees shall also have the same authority to enter upon private lands to survey land or other property before exercise of the above condemnation powers as is granted pursuant to section 388.210, RSMo, to railroad corporations.

2. The board of trustees of the reorganized common sewer district, if it is necessary to cross, follow, or traverse public streets, roads, or alleys, or grounds held or used as public parks or places, shall have the right to do so upon the following conditions: The board of trustees shall file with the county commission or mayor of the municipality having immediate jurisdiction over the street, road, alley, or public park or place, a map showing the location and extent of the proposed occupancy for sewerage purposes and a plan of the proposed facilities, which plan shall be so made and arranged as not to interfere with the ordinary and lawful use of the street, road, alley, public park, or place, except during a reasonable time for the construction of the necessary works.

3. The entire expense of the works and restoration of the ground occupied to its former condition, as near as may be, shall be borne by the reorganized common sewer district.

204.655. 1. The board of trustees for the reorganized common sewer district shall let contracts for all work to be done, excepting in case of repairs or emergencies requiring prompt attention, in the construction of sewers and sewage treatment plants, the expense of which will exceed twenty-five thousand dollars, to the lowest responsible bidder therefor, upon not less than twenty days' notice of the letting, given by publication in a newspaper of general circulation in the district. The board shall have the power and authority to reject any and all bids and readvertise the work.

2. The board of trustees shall also have the power to enter into agreements with persons, firms for providing professional services required of the board and the board shall adopt policies for procuring the services of such professionals. The provisions of sections 8.285 to 8.291, RSMo, shall be applicable to the services of architects, engineers and land surveyors unless the board of trustees adopts a formal procedure for the procurement of such services.

204.660. The cost of any reorganized common sewer district of acquiring, constructing, improving or extending a sewerage system may be met:

(1) Through the expenditures by the common sewer district of any funds available for that purpose, including temporary or interim financing funds obtained through any federal or state loan program or from a local lending institution;

(2) From any other funds which may be obtained pursuant to any law of the state or of the United States or from any county or municipality for that purpose; or

(3) From the proceeds of revenue bonds of the common sewer district, payable solely from the revenues to be derived from the operation of such sewerage system or from any combination of all the methods of providing funds.

(4) From the proceeds of general obligation bonds of the reorganized common sewer district, payable solely

from voter approved property taxes as provided for by law.

(5) From the proceeds of special obligation bonds of the reorganized common sewer district, payable solely from special fees or other revenues received by the district pledged for the purposes of payment of such bonds.

(6) From the proceeds of user fees, charges, or other imposition for facilities and services provided by the district to its customers and users or the availability of services provided to persons, users, and customers within the district or who otherwise benefit from services provided by the district.

204.665. 1. A reorganized common sewer district may issue general or special revenue bonds authorized by authority of a resolution adopted by the board of trustees of the reorganized common sewer district unless in addition thereto the decree or amended decree of incorporation shall require any such bonds to be approved by the voters of the district after election called for that purpose. The resolution shall recite that an estimate of the cost of the proposed acquisition, construction, improvement, extension or other project has been made and shall set out the estimated cost; it shall set out the amount of the bonds proposed to be issued, their purposes, their dates, denominations, rates of interest, times of payment, both of principal and of interest, places of payment, and all other details in connection with the bonds.

2. The bonds may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the board of trustees of the common sewer district.

3. The bonds shall bear interest at a rate in accordance with section 108.170, RSMo, and shall mature over a period not exceeding thirty-five years from the date thereof.

4. The bonds may be payable to bearer, may be registered or coupon bonds, and if payable to bearer may contain such registration privileges as to either principal and interest, or principal only, as may be provided in the resolution authorizing the bonds.

5. The bonds and the coupons to be attached thereto, if any, shall be signed in such manner and by such officers as may be directed by resolution. Bonds signed by an officer who shall hold the office at the time the bonds are signed shall be deemed validly and effectually signed for all purposes, regardless of whether or not any officer shall cease to hold his office prior to the delivery of the bonds and regardless of whether or not any officer shall have held or shall not have held such office on the date ascribed to the bonds.

6. The bonds shall be sold in such manner and upon such terms as the board of trustees of the reorganized common sewer district shall determine, but the bonds shall not be sold for less than ninety cents on the dollar nor shall they be sold at such a price that the interest cost upon the actual proceeds of the bonds from the date thereof to their maturity shall exceed a rate in accordance with section 108.170, RSMo. The resolution may provide that certain bonds authorized thereby shall be junior or subordinate in any or all respects to other revenue bonds authorized concurrently therewith or prior to or after such bonds.

204.670. Any user fees or charges, connection fees, or other charges levied by the reorganized common sewer district for purposes of funding its general or special operations, maintenance, or payment of bonded indebtedness or other indebtedness shall be due at such time or times as specified by the reorganized common sewer district, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. In addition to and consistent with any other provision of applicable law, if such fees or charges or other amounts due become delinquent, they shall be a lien upon the land charged, upon the reorganized common sewer district filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The reorganized common sewer district shall file with the recorder of deeds a similar notice of satisfaction of debt when the delinquent amounts, plus interest and any recording fees or attorneys' fees, have been paid in full. The lien hereby created may be enforced by foreclosure by power of sale hereby vested in the reorganized common district if the reorganized common sewer district adopts written rules for the exercise of power of sale consistent with the provisions of sections 443.290 to 443.325, RSMo, which are recorded in the land records of the office of the recorder of deeds in each county in which the district is located;

otherwise such lien shall be enforced by suit in the circuit court having jurisdiction against the property subject to the lien for judicial foreclosure and sale by special execution; such suit may include a request for judgment against the persons responsible for payment of such delinquency as well as the person or persons owning the property to which services were provided, if different, including post-sale deficiency, and as a part of the relief, may include award of the district's reasonable attorney's fees, court costs and other expenses reasonably incurred by the district for collection.

204.675. It shall be the mandatory duty of any reorganized common sewer district which shall issue any general or special revenue bonds pursuant to sections 204.600 to 204.700:

- (1)** To fix and maintain rates and make and collect charges for the use and services of the system, for the benefit of which revenue bonds were issued, sufficient to pay the cost of maintenance and operation thereof;
- (2)** To pay the principal of and the interest on all revenue bonds issued by the reorganized common sewer district chargeable to the revenues of the system; and
- (3)** To provide funds ample to meet all valid and reasonable requirements of the resolution by which the revenue bonds have been issued.

The rates shall be from time to time revised so as fully to meet the requirements of sections 204.600 to 204.700. As long as any bond so issued or the interest thereon shall remain outstanding and unpaid, rates and charges sufficient to meet the requirements of this section shall be maintained and collected by the reorganized common sewer district which issued the bonds.

204.680. 1. Whenever any reorganized common sewer district authorizes and issues revenue bonds pursuant to sections 204.600 to 204.700, an amount sufficient for the purpose of the net revenues of the sewerage system for the benefit of which the bonds are issued shall, by operation of sections 204.600 to 204.700, be pledged to the payment of the principal of and the interest on the bonds as the same shall mature and accrue.

2. The term "net revenues" shall be construed to mean all income and revenues derived from the ownership and operation of the system less the actual and necessary expenses of operation and maintenance of the system.

3. It shall be the mandatory duty of the treasurer of the reorganized common sewer district to provide for the prompt payment of the principal and interest on any revenue bonds as they mature and accrue.

204.685. 1. The resolution of the board of trustees of the reorganized common sewer district authorizing the issuance of revenue bonds pursuant to the authority of sections 204.600 to 204.700 may provide that periodic allocations of the revenues to be derived from the operation of the system for the benefit of which the bonds are issued shall be made into such accounts, separate and apart from any other accounts of the district, as shall be deemed to be advisable to assure the proper operation and maintenance of the system and the prompt payment of the indebtedness chargeable to the revenues of the system. The accounts may include, but shall not be limited to:

- (1)** An account for the purpose of providing funds for the operation and maintenance of the system;
- (2)** An account to provide funds for the payment of the bonds as to principal and interest as they come due;
- (3)** An account to provide an adequate reserve for depreciation, to be expended for replacements of the system;
- (4)** An account for the accumulation of a reserve to assure the prompt payment of the bonds and the interest thereon whenever and to the extent that other funds are not available for the purpose;
- (5)** An account to provide funds for contingent expenses in the operation of the system;
- (6)** An account to provide for the accumulation of funds for the construction of extensions and improvements to

the system; and

(7) Such other accounts as may be desirable in the judgment of the board of trustees.

2. The resolution may also establish such limitations as may be expedient upon the issuance of additional bonds, payable from the revenues of the system, or upon the rights of the holders of such additional bonds. Such resolution may include other agreements with the holders of the bonds or covenants or restrictions necessary or desirable to safeguard the interests of the bondholder and to secure the payment of the bonds and the interest thereon.

204.690. For the purpose of refunding, extending and unifying the whole or any part of any valid outstanding bonded indebtedness payable from the revenues of a sewerage system, any reorganized common sewer district may issue refunding bonds not exceeding in amount the principal of the outstanding indebtedness to be refunded and the accrued interest to the date of the refunding bonds. The board of trustees of the reorganized common sewer district shall provide for the payment of interest at not to exceed the same rate and the principal of the refunding bonds in the same manner and from the same source as was provided for the payment of interest on and principal of the bonds to be refunded.

204.695. The board of trustees of the reorganized common sewer district may apply for and accept grants or funds, material or labor, from the state and federal government, or any departments thereof, in the construction of a sewerage system as provided by sections 204.600 to 204.700, and may enter into such agreements as may be required of the state or federal laws, or the rules and regulations of any federal or state department, to which the application is made, and where the assistance is granted.

204.700. It is hereby made the duty of the mayors of cities, the circuit court, the governing bodies of counties, all political subdivisions and all assessors, sheriffs, collectors, treasurers and other officials in the state of Missouri to do and perform all the acts and to render all the services necessary to carry out the purposes of sections 204.600 to 204.700.

204.705. Sections 204.705 to 204.755 shall be known and may be cited as the "Sanitary Sewer Improvement Area Act", and the following words and terms, as used in these sections, mean:

- (1) "Acquire", the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means and may include the acquisition of existing property and improvements already owned by the district;
- (2) "Assess" or "assessment", a unit of measure to allocate the cost of an improvement among property or properties within a sanitary sewer improvement area based upon an equitable method of determining benefits to any such property resulting from an improvement;
- (3) "Consultant", engineers, architects, planners, attorneys, financial advisors, accountants, investment bankers and other persons deemed competent to advise and assist the governing body of the district in planning and making improvements;
- (4) "Cost", all costs incurred in connection with an improvement, including, but not limited to, costs incurred for the preparation of preliminary reports, preparation of plans and specifications, preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, fees and expenses of consultants, interest accrued on borrowed money during the period of construction, underwriting costs and other costs incurred in connection with the issuance of bonds or notes, establishment of reasonably required reserve funds for bonds or notes, the cost of land, materials, labor and other lawful expenses incurred in planning, acquiring and doing any improvement, reasonable construction contingencies, and work done or services performed by the district in the administration and supervision of the improvement;
- (5) "District" or "common sewer district", any public sanitary sewer district or reorganized common sewer district established and existing pursuant to this chapter or chapter 249, RSMo, and any metropolitan sewer

district organized pursuant to the constitution of this state;

(6) "Improve", to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend or to otherwise perform any work which will provide a new sanitary sewer facility or enhance, extend or restore the value or utility of an existing sanitary sewer facility;

(7) "Improvement", any one or more sanitary sewer facilities or improvements which confer a benefit on property within a definable area and may include or consist of a reimprovement of a prior improvement; improvements include, but are not limited to, the following activities:

(a) To acquire property or interests in property when necessary or desirable for any purpose authorized by sections 204.705 to 204.755;

(b) To improve sanitary sewers, wastewater treatment plants, lagoons, septic tanks and systems and any and all other sanitary sewer and waste water collection and treatments systems of any type, whether located on improved or unimproved public or private property, the general object and nature of which will either preserve, maintain, improve or promote the general public health, safety and welfare, or the environment, regardless of technology used;

(8) "Sanitary sewer improvement area", an area of a district with defined limits and boundaries which is created by petition pursuant to sections 204.705 to 204.755 and which is benefited by an improvement and subject to assessments against the real property therein for the cost of the improvement;

(9) "User fee", a fee established and imposed by a district for payment of an assessment in periodic installments to pay for improvements made in a sanitary sewer improvement area which benefit the property within such area that is subject to the assessment.

204.710. As an alternative to all other methods provided by law or charter, the board of trustees of any sewer district or reorganized sewer district organized and operated pursuant to this chapter or chapter 249, RSMo, or any metropolitan sewer district organized pursuant to the constitution of this state, may make, or cause to be made, improvements which confer a benefit upon property within a sanitary sewer improvement area pursuant to sections 204.705 to 204.755. The board of trustees of such district may incur indebtedness and issue temporary notes and general or special revenue bonds pursuant to sections 204.705 to 204.755 to pay for all or part of the cost of such improvements. An improvement may be combined with one or more other improvements for the purpose of issuing a single series of general or special revenue bonds to pay all or part of the cost of said area's improvements, but separate funds or accounts shall be established within the records of the district for each improvement project as provided in sections 204.705 to 204.755. Such district shall make assessments and may impose user fees on the property deemed by the board of trustees to be benefited by each such improvement project pursuant to in addition to any other fees or charges imposed by the district for provision of services or payment of debt. The district shall use the moneys collected from such assessments and user fees to reimburse the district for all amounts paid or to be paid by it as principal of and interest on its temporary notes and general or special revenue bonds issued for such improvements.

204.715. 1. To establish a sanitary sewer improvement area, the governing body of the sewer district shall comply with the following procedure: the governing body of the district may create a sanitary sewer improvement area when a proper petition has been signed by four-sevenths of the owners of record within such proposed area. The petition, in order to become effective, shall be filed with the district. A proper petition for the creation of a sanitary sewer improvement area shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed sanitary sewer subdistrict, the proposed method or methods of financing the project including the estimated amount of and method for imposing user fees against the real property within the district to pay for the cost of the improvements and any bonds issued therefor, a notice that the names of the signers may not be withdrawn later than seven days after the petition is filed with the district, and a notice that the final cost of such improvement and the amount of revenue bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such petition, by more than twenty-five percent.

2. Upon the filing of a proper petition with the district, the governing body may by resolution or ordinance determine the advisability of the improvement and may order that the area be established and that preliminary plans and specifications for the improvement be made. Such resolution or ordinance shall state and make findings as to the project name for the proposed improvement, the nature of the improvement, the estimated cost of such improvement, the boundaries of the sanitary sewer improvement area, the proposed method or methods of imposing assessments and, if known, proposed estimated user fees within the district, and shall also state that the final cost of such improvement within the sanitary sewer improvement area and the amount of general or special revenue bonds issued therefor shall not, without a new petition, exceed the estimated cost of such improvement by more than twenty-five percent.

3. The boundaries of the proposed area shall be described by metes and bounds, streets or other sufficiently specific description.

204.720. The portion of the cost of any improvement to be assessed or imposed against the real property in a sanitary sewer improvement area shall be apportioned against such property in accordance with the benefits accruing thereto by reason of such improvement. Subject to the provisions of the Farmland Protection Act, sections 262.800 to 262.810, RSMo, the cost may be assessed equally by lot or tract, against property within the area, or by any other reasonable assessment plan determined by the board of trustees of the district which results in imposing substantially equal burdens or share of the cost upon property similarly benefited. The board of trustees of the district may from time to time determine and establish by ordinance or resolution reasonable general classifications and formula for the methods of assessing or determining the benefits.

204.725. 1. After the board of trustees has made the findings specified in sections 204.705 to 204.755 and plans and specifications for the proposed improvements have been prepared, the board of trustees shall by ordinance or resolution order assessments to be made against each parcel of real property deemed to be benefited by an improvement based on the revised estimated cost of the improvement or, if available, the final cost thereof, and shall order a proposed assessment roll to be prepared.

2. The plans and specifications for the improvement and the proposed assessment roll shall be filed with the district and shall be open for public inspection. Such district shall thereupon, at the direction of the board of trustees, publish notice that the board of trustees will conduct a hearing to consider the proposed improvement and proposed assessments. Such notice shall be published in a newspaper of general circulation at least once not more than twenty days before the hearing and shall state the project name for the improvement, the date, time and place of such hearing, the general nature of the improvement, the revised estimated cost or, if available, the final cost of the improvement, the boundaries of the sanitary sewer improvement area to be assessed, and that written or oral objections will be considered at the hearing. At the same time, the district shall mail to the owners of record of the real property made liable to pay the assessments, at their last known post office address, a notice of the hearing and a statement of the cost proposed to be assessed against the real property so owned and assessed. The failure of any owner to receive such notice shall not invalidate the proceedings.

204.730. 1. At the hearing to consider the proposed improvements and assessments, the board of trustees or their designated representative shall hear and pass upon all objections to the proposed improvements and proposed assessments, if any, and may amend the proposed improvements, and the plans and specifications therefor, or assessments as to any property, and thereupon by ordinance or resolution the board of trustees shall order that the improvement be made and direct that financing for the cost thereof be obtained as provided in sections 204.705 to 204.755.

2. After the improvement has been completed in accordance with the plans and specifications therefor, the board of trustees shall compute the final costs of the improvement and apportion the costs among the property benefited by such improvement in such equitable manner as the board of trustees shall determine, charging each tract, lot or parcel of property with its proportionate share of the costs, and by resolution or ordinance, assess the final cost of the improvement, or the amount of general or special revenue bonds issued or to be issued to pay for the improvement, as special assessments against the property described in the assessment roll.

3. After the passage or adoption of the ordinance or resolution assessing the special assessments, the district shall mail a notice to each property owner within the district which sets forth a description of each tract, lot or parcel of real property to be assessed which is owned by such owner, the assessment assigned to such property, and a statement that the property owner may pay such assessment in full, together with interest accrued thereon from the effective date of such ordinance or resolution, on or before a specified date determined by the effective date of the ordinance or resolution, or may pay such assessment in the form of user fees in periodic installments as provided in subsection 4 of this section. Notice of each assessment and imposition of the assessment lien together with a legal description for each property assessed within the area shall be filed with the recorder of deeds upon the effective date of the ordinance or resolution, but failure to timely record any such notice shall not affect the validity of the assessments or liens thereunder. The district shall record written notice of release of lien whenever an assessment is paid in full; the cost of recording assessment notices and release of liens shall be included in the assessment.

4. The special assessments shall be assessed upon the property within the area and those not paid in full as provided in subsection 3 of this section shall be payable in the form of user fees payable in periodic and substantially equal installments as determined by the district for a duration prescribed by the resolution or ordinance establishing the special assessments. All assessments shall bear interest at such rate as the board of trustees determines, not to exceed the rate permitted for bonds by section 108.170, RSMo. Interest on the assessment between the effective date of the ordinance or resolution assessing the special assessments and the date the first installment of a user fee is payable shall be added to the first installment or prorated among all scheduled installments.

5. Assessments not paid in full shall be collected and paid over to the district in the form of user fees in the same manner as other district fees and charges are collected and paid, or by any other reasonable method determined by the district.

204.735. No suit to set aside the assessments made pursuant to sections 204.705 to 204.755 or to otherwise question the validity of the proceedings relating thereto shall be brought after the expiration of ninety days from the date of mailing of notice to the last known owners of record of the assessments required by sections 204.705 to 204.755.

204.740. 1. To correct omissions, errors or mistakes in the original assessment which relate to the total cost of an improvement, the board of trustees of the district may, without a notice or hearing, make supplemental or additional assessments on property within a sanitary sewer improvement area, except that such supplemental or additional assessments shall not, without a new petition as provided in sections 204.705 to 204.755, exceed twenty-five percent of the estimated cost of the improvement as set forth in the petition pursuant to the provisions of sections 204.705 to 204.755.

2. When an assessment is, for any reason whatever, set aside by a court of competent jurisdiction as to any property, or in the event the board of trustees finds that the assessment or any part thereof is excessive or determines on advice of counsel in writing that it is or may be invalid for any reason, the board of trustees may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to such property.

204.745. An assessment authorized pursuant to sections 204.705 to 204.755, once determined and imposed, shall constitute a lien against such property until paid in full and shall not be affected by the existence or enforcement of any other liens or encumbrances, nor shall enforcement of an assessment lien have any effect on the validity or enforcement of any tax lien or lien established by mortgage or deed of trust. An assessment lien becomes delinquent when an assessment is not paid in full as prescribed by sections 204.705 to 204.755 or when one or more periodic installments imposed by the district for an assessment remain unpaid for a period of thirty days or more after notice of delinquency in payment is mailed to the last known owners of the property subject to assessment by regular United States mail and by certified mail, return receipt requested, at their last known address provided by such owners to the district and to the occupant of property which is subject to assessment, if different from that of the owners. In the event any such user fee remains unpaid after thirty days of the

mailing of any such notice, and in addition to any other remedy the district may have by statute or duly enacted regulation for the collection of delinquent amounts owed to the district, the district shall be entitled to petition the circuit court having jurisdiction to foreclose upon the assessment lien by special execution sale of the property subject to the assessment for the unpaid assessment plus reasonable attorney's fees, court costs and other reasonable costs incurred by the district in collection. In any such suit, the district shall name all parties appearing of record to have or claim an interest in the property subject to the unpaid assessment and shall file a notice of lis pendens in connection with said action; in addition, the district may obtain a judgment against last known owners of the property for any deficiency in payment of the assessment and costs and fees made a part of the court's judgment.

204.750. After an improvement has been authorized pursuant to sections 204.705 to 204.755, the board of trustees of the district may issue temporary notes of the district to pay the costs of such improvement in an amount not to exceed the estimated cost of such improvement, and such temporary notes may be issued in anticipation of issuance of general or special revenue bonds of the district. The district may participate in any governmentally sponsored bond pooling program or other bond program. Bonds may be issued and made payable from general revenues of the area or district, or from special revenues from designated properties within an area.

204.755. A separate fund or account shall be created by the district for each improvement project and each such fund or account shall be identified by a suitable title. The proceeds from the sale of bonds and temporary notes and any other moneys appropriated thereto by the board of trustees of the district shall be credited to such funds or accounts. Such funds or accounts shall be used solely to pay the costs incurred in making each respective improvement. Upon completion of an improvement, the balance remaining in the fund or account established for such improvement, if any, may be held as contingent funds for future improvements or may be credited against the amount of the original assessment of each parcel of property, on a pro rata basis based on the amount of the original assessment, and with respect to property owners that have prepaid their assessments in accordance with sections 204.705 to 204.755, the amount of each such credit shall be refunded to the appropriate property owner, and with respect to all other property owners, the amount of each such credit shall be transferred and credited to the district bond and interest fund to be used solely to pay the principal of and interest on the bonds or temporary notes and the assessments shall be reduced accordingly by the amount of such credit.

204.760. Any public sanitary sewer district or reorganized sewer district organized and operated pursuant to this chapter or chapter 249, RSMo, and any metropolitan sewer district organized pursuant to the constitution of this state, may enter into a cooperative agreement with a city or county for the purpose of constructing sanitary sewer system improvements pursuant to the provisions of the neighborhood improvement district act, sections 67.453 to 67.475, RSMo. Any such cooperative agreement, if approved by the governing bodies of the district and city or county, may include provisions for joint administration of projects, for the issuance of temporary notes and general obligation bonds by district, city or county, separately or jointly, and for the payment of such bonds by any source of funds or user fees in addition to funds from special assessments as provided for in sections 67.453 to 67.475, RSMo, and general ad valorem taxes, so long as all terms, conditions and covenants of any applicable bond indenture are complied with and so long as said notes and bonds are issued in compliance with general applicable law."; and

Further amend said bill, Page 23, Section 643.078, Line 89, by inserting after said line the following:

"644.051. 1. It is unlawful for any person:

- (1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;
- (2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;
- (3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any

waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds a permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the director for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the director for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The director shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. If the director determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the director shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the director determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the director shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act. **Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, it shall not be unlawful to emit or discharge a water contaminant that is totally confined on the owner's property and subject to clean up and remediation as soon as practical.**

4. Before issuing a permit to build or enlarge a water contaminant or point source or reissuing any permit, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule. Prior to the development or renewal of a general permit or permit by rule, for aquaculture, the director shall convene a meeting or meetings of permit holders and applicants to evaluate the impacts of permits and to discuss any terms and conditions that may be necessary to protect waters of the state. Following the discussions, the director shall finalize a draft permit that considers the comments of the meeting participants and post the draft permit on notice for public comment. The director shall concurrently post with the draft permit an explanation of the draft permit and shall identify types of facilities which are subject to the permit conditions. Affected public or applicants for new general permits, renewed general permits or permits by rule may request a hearing with respect to the new requirements in accordance with this section. If a request for a hearing is received, the commission shall hold a hearing to receive comments on issues of significant technical merit and concerns related to the responsibilities of the Missouri clean water law. The commission shall conduct such hearings in accordance with this section. After consideration of such comments, a final action on the permit shall be rendered. The time between the date of the hearing request and the hearing itself shall not be counted as time elapsed pursuant to subdivision (1) of subsection 13 of this section.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. The commission shall set the matter for hearing not less than thirty days after the notice of appeal is filed. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section the burden of proof is on the applicant for a permit. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Unless a site-specific permit is requested by the applicant, aquaculture facilities shall be governed by a general permit issued pursuant to this section with a fee not to exceed two hundred fifty dollars pursuant to subdivision (5) of subsection 6 of section 644.052. However, any aquaculture facility which materially violates the conditions and requirements of such permit may be required to obtain a site-specific permit.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of an operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received

after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the requested permits within sixty days of the department's receipt of an application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065, RSMo.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087, RSMo. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

644.581. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and this chapter.

644.582. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.583. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the

state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMO, and in this chapter.

Section 1. 1. In any home rule city with more than eighty-four thousand five hundred but less than eighty-four thousand six hundred inhabitants, the governing body of such city shall allow owners of real property located beyond the corporate limits of such city to connect sanitary sewer lines serving improvements constructed or to be constructed in accordance with applicable county ordinances on the respective parcel of real property to any sanitary sewer line of such city located within an easement on the respective parcel of real property provided that the following conditions are met:

- (1) The easement is located on a tract of real estate adjacent to a state highway;**
- (2) The tract of real estate across which the easement is located constitutes a tract of real property containing more than thirty acres and is located within two miles of karst topography;**
- (3) The easement and sanitary sewer line located therein have been in existence for more than ten years; and**
- (4) The owner of the respective parcel of real property pays the normal and customary connection fees associated with such connection.**

2. In no event shall the annexation of the respective parcel of real property by such city constitute a condition precedent to the owner's right to connect with any sanitary sewer line of such city."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 2, by inserting after the number "260.831," the number "278.258,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the number "260.831," the number "278.258," and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the number "260.831," the number "278.258,"; and

Further amend said bill, Page 7, Section 260.831, Line 25, by inserting after all of said line the following:

"278.258. 1. After a watershed subdistrict has been organized and the organization tax pursuant to section 278.250 has been levied, any county in the subdistrict which has not adopted the annual tax pursuant to section 278.250 may detach from the subdistrict upon approval of such detachment of a majority of the qualified voters [residing] **voting on the proposed detachment** within such subdistrict in such county; however, before such detachment the watershed district trustees shall make arrangements for the county to pay any outstanding indebtedness for services or works of improvement rendered by the subdistrict in such county.

2. Following the entry in the official minutes of the trustees of the watershed district of the detachment of the county, the watershed district trustees shall certify this fact on a separate form, authentic copies of which shall be recorded with the recorder of deeds in each county in which any portion of the watershed subdistrict lies and with the state soil

and water districts commission."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 3, by deleting the word "seventeen" and inserting in lieu thereof the word "twenty-one"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seventeen" and inserting in lieu thereof the word "twenty-one"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "and"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting the after "643.078," the phrase "and 1, 2, 3, and 4,"; and

Further amend said bill, Page 23, Section 643.078, Line 89, by inserting after all of said line the following:

"Section 1. The air conservation commission, clean water commission, hazardous waste management commission, petroleum storage tank insurance fund board and land reclamation commission assigned to the department of natural resources are hereby granted and shall have the authority to exercise all powers necessary or appropriate to carry out and effectuate their purposes pursuant to the provisions of chapters 260, 319, 444, 643 and 644, RSMo, as amended, including, but not limited to, the following:

(1) To sue and be sued;

(2) To employ managers and other employees and retain or contract with engineers, architects, accountants, financial consultants, attorneys and such other persons, firms, or corporations who are necessary in its judgment to carry out its duties, and to fix the compensation thereof, consistent with available appropriations; and

(3) To settle and compromise any claim or cause of action brought by, on behalf of, or against the board or commission.

Section 2. 1. Each commission in section 1 of this act shall adopt, and may amend, promulgate, or repeal after due notice and hearing in accordance with chapter 536, RSMo, rules and regulations establishing rules of practice and procedure, including but not limited to the establishment of filing fees and assessment of hearing costs, applicable to any appeal or hearing heard by the commission pursuant to chapter 536, RSMo.

2. Until such time that each commission listed in section 1 of this act adopts rules of practice, the general procedures in the following rules adopted by the Missouri Bar shall control in all appeals heard by any commission: rules 56, 57, 58, 59, 61 and 74.04, as amended.

Section 3. 1. There is hereby created an "Office of Commission Support" within the department of natural resources. The office of commission support shall be managed by a director appointed by a majority vote of the chairs of the commissions listed in section 1 of this act. One full time equivalent employee with a classification of planner and one full time equivalent employee with the classification of clerk or typist are hereby transferred from the department of natural resources to serve as staff for the office of commission support. For fiscal years 2003 to 2008, ten thousand dollars from the air pollution control fund, hazardous waste fund, water pollution control fund, solid waste management fund, natural resources protection fund, natural resources protection fund-water pollution permit fees subaccount, natural resources protection fund-air pollution permit fees subaccount, soil and water sales tax fund, the mined land reclamation fund, and natural resources revolving services fund, respectively, shall be made available annually, upon appropriation, for personal service and expense and equipment.

2. The director of the office of commission support shall, in his or her discretion, institute such procedures, set such policies, and organize such structures in order to maintain neutrality and independence in all functions of the boards and commissions. The director shall provide advice and assistance to the board and commissions assigned to the department of natural resources in all administrative, budget, fiscal, personnel and related matters. The director shall serve as a clearinghouse for all notices of proposed rules as described in subsections 3 and 4 of section 4 of this act. The director shall supervise all work groups appointed by any board or commission.

Section 4. 1. At least sixty days prior to transmitting a notice of proposed rulemaking to the secretary of state for any rule to be considered by the department of natural resources or by the air conservation commission, clean water commission, hazardous waste management commission, petroleum storage tank insurance fund board or land reclamation commission, the department of natural resources shall provide a copy of the notice of proposed rulemaking to the members of the board or commission having jurisdiction over the notice of proposed rulemaking and to all persons or entities that participated in the underlying proceeding concerning the development of the proposed rule.

2. The department of natural resources may transmit the notice of proposed rulemaking to the secretary of state only after the board or commission having jurisdiction over the proposed rulemaking has approved the form and content of the notice of proposed rulemaking. Where no board or commission is involved in the adoption of the proposed rule, the department of natural resources may transmit the notice of proposed rulemaking sixty days after the issuance of the notice required in subsection 1 of this section to persons or entities that participated in the underlying proceeding.

3. Any board or commission may in its discretion appoint a work group comprised of interested parties to consider whether particular rules should be adopted or amended. Any such work group shall attempt to develop a consensus which shall be reported to the commission that appointed the work group.

4. Any notice of proposed rulemaking transmitted by the department of natural resources to the secretary of state without complying with the notice and approval requirements in subsections 1 and 2 of this section is void."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 23, Section 643.078, Line 89, by inserting after all of said line the following:

"644.016. When used in sections 644.006 to 644.141 and in standards, rules and regulations promulgated pursuant to sections 644.006 to 644.141, the following words and phrases mean:

(1) "Aquaculture facility", a hatchery, fish farm, or other facility used for the production of aquatic animals that is required to have a permit pursuant to the federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq.;

(2) "Commission", the clean water commission of the state of Missouri created in section 644.021;

(3) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(4) "Department", the department of natural resources;

(5) "Director", the director of the department of natural resources;

- (6) "Discharge", the causing or permitting of one or more water contaminants to enter the waters of the state;
- (7) "Effluent control regulations", limitations on the discharge of water contaminants;
- (8) "General permit", a permit written with a standard group of conditions and with applicability intended for a designated category of water contaminant sources that have the same or similar operations, discharges and geographical locations, and that require the same or similar monitoring, and that would be more appropriately controlled pursuant to a general permit rather than pursuant to a site-specific permit;
- (9) "Human sewage", human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances;
- (10) "Income" includes retirement benefits, consultant fees, and stock dividends;
- (11) "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;
- (12) "Permit by rule", a permit granted by rule, not by a paper certificate, and conditioned by the permit holder's compliance with commission rules;
- (13) "Permit holders or applicants for a permit" shall not include officials or employees who work full time for any department or agency of the state of Missouri;
- (14) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;
- (15) "Point source", any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. **This term does not include agricultural stormwater discharges and return flows from irrigated agriculture;**
- (16) "Pollution", such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life;
- (17) "Pretreatment regulations", limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities which the commission determines are not susceptible to treatment by such works or facilities or which would interfere with their operation, except that wastes as determined compatible for treatment pursuant to any federal water pollution control act or guidelines shall be limited or treated pursuant to this chapter only as required by such act or guidelines;
- (18) "Residential housing development", any land which is divided or proposed to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan for residential housing;
- (19) "Sewer system", pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling;
- (20) "Significant portion of his or her income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of

age, and is receiving such portion pursuant to retirement, pension, or similar arrangement;

(21) "Site-specific permit", a permit written for discharges emitted from a single water contaminant source and containing specific conditions, monitoring requirements and effluent limits to control such discharges;

(22) "Treatment facilities", any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source;

(23) "Water contaminant", any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations set forth in sections 644.006 to 644.141 or any federal water pollution control act, or is included in the definition of pollutant in such federal act;

(24) "Water contaminant source", the point or points of discharge from a single tract of property on which is located any installation, operation or condition which includes any point source defined in sections 644.006 to 644.141 [and nonpoint source pursuant to any federal water pollution control act], which causes or permits a water contaminant therefrom to enter waters of the state either directly or indirectly. **This term does not include agricultural stormwater discharges and return flows from irrigated agriculture;**

(25) "Water quality standards", specified concentrations and durations of water contaminants which reflect the relationship of the intensity and composition of water contaminants to potential undesirable effects;

(26) "Waters of the state", all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 7, Section 260.831, Line 25, by inserting after all of said line the following:

"319.115. 1. No person shall undertake the installation, repair, or removal, of an underground storage tank unless he or she has on file with the department of agriculture, weights and measures division the following:

(1) Documentation showing that the person has general liability insurance, pollution liability insurance, and professional liability insurance, or net worth of not less than one million dollars; and

(2) Documentation showing that the person complies with the applicable sections of Title 29 of the Code of Federal Regulations general labor, safety, and health standards, which include Hazardous Waste Operations Training, Emergency Response Training, Confined Space Training, Protective Equipment Training, and Respiratory Protection Training.

2. No person shall undertake site assessment or corrective action in response to a release from an underground storage tank unless he or she has on file with the department of agriculture, weights and measures division the following:

(1) Documentation showing that the person has general liability insurance, pollution liability insurance, and professional liability insurance, or net worth of not less than one million dollars; and

(2) Documentation showing that the person complies with the applicable sections of Title 29 of the Code of Federal Regulations general labor, safety, and health standards, which include Hazardous Waste Operations

Training, Emergency Response Training, Confined Space Training, Protective Equipment Training, and Respiratory Protection Training.

3. No person shall be entitled to receive any payments, reimbursements, or remuneration of any kind from the petroleum storage tank insurance fund unless the work for which payment is requested was performed by a person who has met the requirements of subsections 1 and 2 of this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section 260.219, Lines 1 and 2, by deleting all of said section and inserting lieu thereof the following:

"260.219. No local government or political subdivision shall provide commercial solid waste collection services in the unincorporated areas outside its boundaries unless no other service is available.

260.247. 1. Any [city] **local government or political subdivision** which annexes an area or enters into or expands solid waste collection services into an area where the collection of solid waste is presently being provided by one or more private entities shall notify the private entity or entities of its intent to provide solid waste collection services in the area by certified mail.

2. A [city] **local government or political subdivision** shall not commence solid waste collection in such area for at least two years from the effective date of the annexation or at least two years from the effective date of the notice that the [city] **local government or political subdivision** intends to enter into the business of solid waste collection or to expand existing solid waste collection services into the area, unless the city contracts with the private entity or entities to continue such services for that period. **If the local government or political subdivision has not engaged in or started the process to engage in the business of solid waste collection services or expand existing solid waste collection services in the area within the two years of notification, then the political subdivision shall again notify private entity or entities pursuant to subsection 1 of this section.**

3. If the services to be provided under a contract with the [city] **local government or political subdivision** pursuant to subsection 2 of this section are substantially the same as the services rendered in the area prior to the decision of the [city] **local government or political subdivision** to annex the area or to enter into or expand its solid waste collection services into the area, the amount paid by the [city] **local government or political subdivision** shall be at least equal to the amount the private entity or entities would have received for providing such services during that period.

4. Any private entity or entities which provide collection service in the area which the [city] **local government or political subdivision** has decided to annex or enter into or expand its solid waste collection services into shall make available upon written request by the [city] **local government or political subdivision** not later than thirty days following such request, all information in its possession or control which pertains to its activity in the area necessary for the [city] **local government or political subdivision** to determine the nature and scope of the potential contract.

5. The provisions of this section shall apply to private entities that service fifty or more residential accounts or fifteen or more commercial accounts in the area in question.";

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 3, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "and"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting the after "643.078," the phrase "and 1,"; and

Further amend said bill, Page 23, Section 643.078, Line 89, by inserting after all of said line the following:

"Section 1. 1. Notwithstanding other provisions of law, any aggrieved person or entity that participated in the underlying proceeding shall have the right to appeal to the air conservation commission, clean water commission, hazardous waste management commission, petroleum storage tank insurance fund board, or land reclamation commission from any finding, order, decision, or assessment made by such board or commission or the department. An aggrieved party seeking relief shall demonstrate that he or she has a specific and legally cognizable interest in the subject matter of the administrative action and that he or she has been directly and substantially affected thereby.

2. Participation in the underlying proceeding means an affirmative act involving the submission of comments or information concerning the underlying subject matter, and includes but is not limited to, filing comments on a proposed action or making comments at a public meeting. The board or commission may excuse the participation requirement only for good cause shown by the aggrieved party.

3. Notice of such decision shall be sent by the board or commission to all persons or entities that participated in the underlying proceeding. Any such aggrieved person or entity may file an appeal with the commission within thirty days after valid service and receipt of any such finding, order, decision, or assessment."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HCS for HB 289, with **SCS**, entitled:

An Act to amend chapter 99, RSMo, by adding thereto twenty-two new sections relating to Missouri downtown economic stimulus act.

Was called from the Informal Calendar and taken up by Senator Steelman.

SCS for HCS for HB 289, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 289

An Act to repeal sections 99.845 and 135.207, RSMo, and to enact in lieu thereof forty-four new sections relating to tax increment financing.

Was taken up.

Senator Steelman moved that **SCS for HCS for HB 289** be adopted.

Senator Steelman offered **SS** for **SCS** for **HCS** for **HB 289**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 289

An Act to repeal sections 99.845, 100.710, 100.840, 100.850, 135.207, and 178.892, RSMo, and to enact in lieu thereof fifty-five new sections relating to tax incentives for economic development, with an expiration date for certain sections and an emergency clause for certain sections.

Senator Steelman moved that **SS** for **SCS** for **HCS** for **HB 289** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 142, Section B, Line 1 of said page, by striking the numerals "100.840, 100.850,"; and further amend line 8 of said page, by striking the numerals "99.845, 100.840, 100.850,"; and

Further amend said bill, Page 142, Section C, Line 19 of said page, by striking the following: "99.845,".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 21, Section 99.918, Lines 6-9, by striking all of said lines and inserting in lieu thereof the following:

"(19) "Other net new revenues", up to fifty percent of the state sales tax increment and up to fifty percent of the state income tax increment as determined pursuant to section 99.960;".

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 2** was withdrawn.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 56, Section 99.960, Line 28 of said page, by inserting at the end of said line the following: **"the department of economic development for review and submission of an analysis and recommendation to"**; and further amend line 29 of said page, by inserting after the word "for" the following: **"a determination as to"**; and

Further amend said bill, Page 57, Section 99.960, Line 7 of said page, by striking the words "Missouri development finance board" and inserting in lieu thereof the following: **"department of economic development"**; and

Further amend said bill, Page 58, Section 99.960, Line 18 of said page, by inserting at the end of said line the

following: "**department of economic development and**"; and further amend line 20 of said page, by striking the words "Missouri development finance board" and inserting in lieu thereof the following: "**department of economic development**"; and

Further amend said bill, Page 60, Section 99.960, Lines 17-19 of said page, by striking all of said lines and inserting in lieu thereof the following:

"9. The department of economic development, in conjunction with the Missouri development finance board, may establish the procedures and standards for the determination and approval of applications by the promulgation of rules and regulations and publish forms to implement the provisions of this section and section 99.963."; and

Further amend said bill, Page 61, Section 99.960, Line 2 of said page, by inserting after all of said line the following:

"11. The Missouri development finance board shall consider parity based on population and geography of the state among the regions of the state in making determinations on applications pursuant to this section."

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 138, Section 135.283, Line 26, by inserting after all of said line the following:

"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote ten percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person ten percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business", any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company **or a qualified investing entity** as a result of a transfer of cash to a business[. Capital in a qualified Missouri business shall not include secured debt instruments];

(4) "Certified capital", an investment of cash by an investor in a Missouri certified capital company;

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not-for-profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(8) "Investor", any insurance company that contributes cash;

(9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;

(10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) "Qualified distribution", any distribution or payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company; and

(c) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

(12) "Qualified investing entity", any partnership, corporation, trust, or limited liability company, whether organized on a for profit or not-for-profit basis, that:

(a) Is registered to do business in this state;

(b) Is a wholly owned subsidiary of a certified capital company or otherwise affiliated with and under common control with a certified capital company; and

(c) Has been designated as a qualified investing entity by such certified capital company.

Such designation shall be effective upon delivery by the certified capital company of written notice of the designation to the department. A qualified investing entity may raise debt or equity capital for investment, but such capital shall not be considered certified capital. Any qualified investment made by a qualified investing entity after the effective date of this act shall be deemed to have been made by a certified capital company that designated the qualified investing entity as such; provided that no qualified investment may be deemed to have been made by more than one certified capital company.

[(12)] (13) "Qualified investment", the investment of cash by a Missouri certified capital company or a qualified investing entity in such a manner as to acquire capital in a qualified Missouri business;

[(13)] (14) "Qualified Missouri business", an independently owned and operated business, which is headquartered and located in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business shall have no more than two hundred employees, eighty percent of which are employed in Missouri. Such business shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians. [If such business has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have

exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars.] **At the time a certified capital company or qualified investing entity makes an initial investment in a business, such business shall be a small business concern that meets the requirements of the United States Small Business Administration's qualification size standards for its venture capital program, as defined in Section 13 CFR 121.301 (c) of the Small Business Investment Act of 1958, as amended.** Any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company **or qualified investing entity** shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company **or qualified investing entity** and such follow-on investments shall be qualified investments even though such business may not meet the other qualifications of this subsection at the time of such follow-on investments;

[(14)] **(15)** "State premium tax liability", any liability incurred by an insurance company pursuant to the provisions of section 148.320, 148.340, 148.370 or 148.376, RSMo, and any other related provisions, which may impose a tax upon the premium income of insurance companies after January 1, 1997.

135.503. 1. Any investor that makes an investment of certified capital shall, in the year of investment, earn a vested credit against state premium tax liability equal to the applicable percentage of the investor's investment of certified capital. An investor shall be entitled to take up to ten percent of the vested credit in any taxable year of the investor. Any time after three years after August 28, 1996, the director, with the approval of the commissioner of administration, may reduce the applicable percentage on a prospective basis. Any such reduction in the applicable percentage by the director shall not have any effect on credits against state premium tax liability which have been claimed or will be claimed by any investor with respect to credits which have been earned and vested pursuant to an investment of certified capital prior to the effective date of any such change.

2. An insurance company claiming a state premium tax credit earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to section 375.916, RSMo, as a result of claiming such credit.

3. The credit against state premium tax liability which is described in subsection 1 of this section may not exceed the state premium tax liability of the investor for any taxable year. All such credits against state premium tax liability may be carried forward indefinitely until the credits are utilized. The maximum amount of certified capital in one or more certified capital companies for which earned and vested tax credits will be allowed in any year to any one investor or its affiliates shall be limited to ten million dollars.

4. Except as provided in subsection 5 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for all persons pursuant to sections 135.500 to 135.529 shall not exceed the following amounts: for calendar year 1996, \$0.00; for calendar year 1997, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of five million dollars; and for any year thereafter, an additional amount to be determined by the director but not to exceed aggregate credits of ten million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years to take them, pursuant to subsection 1 of this section. During any calendar year in which the limitation described in this subsection will limit the amount of certified capital for which earned and vested credits against state premium tax liability are allowed, certified capital for which credits are allowed will be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516. Certified capital limited in any calendar year by the application of the provisions of this subsection shall be allowed and allocated in the immediately succeeding calendar year in the order of priority set forth in this subsection. The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 5 of this section.

5. In addition to the maximum amount pursuant to subsection 4 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for persons pursuant to

sections 135.500 to 135.529 shall be the following: for calendar year 1999 and for any year thereafter, an amount to be determined by the director which would entitle all Missouri certified capital company investors to take aggregate credits not to exceed four million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years or pursuant to the provisions of subsection 4 of this section to take them, pursuant to subsection 1 of this section. For purposes of any requirement regarding the schedule of qualified investments for certified capital for which earned and vested credits against state premium tax liability are allowed pursuant to this subsection only, the definition of a "qualified Missouri business" as set forth in subdivision [(13)] (14) of subsection 2 of section 135.500 means a Missouri business that is located in a distressed community as defined in section 135.530, and meets all of the requirements of subdivision [(13)] (14) of subsection 2 of section 135.500[, except that its gross sales during its most recent complete fiscal year shall not have exceeded five million dollars]. During any calendar year in which the limitation described in this subsection limits the amount of additional certified capital for which earned and vested credits against state premium tax liability are allowed, additional certified capital for which credits are allowed shall be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516 with respect to such additional certified capital. The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 4 of this section. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to subsection 4 of this section shall limit the amount of certified capital for which credits are allowed pursuant to this subsection. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to this subsection shall limit the amount of certified capital for which credits are allowed pursuant to subsection 4 of this section.

6. The department shall advise any Missouri certified capital company, in writing, within fifteen days after receiving the filing described in subdivision (1) of subsection 5 of section 135.516 whether the limitations of subsection 3 of this section then in effect will be applicable with respect to the investments and credits described in such filing with the department.

135.516. 1. To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

- (1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;
- (2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;
- (3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or have been, placed in qualified investments. A Missouri certified capital company may not make an investment in an affiliate of the certified capital company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such entity subsequent to its initial investment;
- (4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it **or a qualified investing entity** proposes to invest [meets the definition of] **is** a qualified Missouri business [pursuant to subdivision (14) of subsection 2 of section 135.500]. The certified capital company shall state the amount of capital it **or a qualified investing entity** intends to invest and the name of the business in which it **or a qualified investing entity** intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital company of its determination and an

explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen-working-day period prior to the making of the proposed investment, the company in which the certified capital company **or a qualified investing entity** proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company **or a qualified investing entity** invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision [(14)] **(15)** of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in qualified investments and can be received by the company, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate. The proceeds of all certified capital which is received by a certified capital company after it was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

2. A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have [placed] **made cumulative qualified investments, including those made through a qualified investing entity, in** an amount cumulatively equal to **at least** one hundred percent of its certified capital [in qualified investments]. Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total original certified capital of the certified capital company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to the Missouri development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

3. No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment.

4. Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

5. Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection 3 of section 135.503, and the date on which the certified capital was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested, **together with any investments made by a qualified investing entity that are deemed to have been made by the certified capital company**, more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made **or has been deemed to have been made through a qualified investing entity**;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of

the fiscal year. **At the same time, the certified capital company shall also provide audited financial statements for any qualified investing entity that has made qualified investments on its behalf, unless the financial results of such qualified investing entity are included in the consolidated financial statements of the certified capital company.** The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529.

135.520. 1. The division of finance of the department of economic development shall conduct an annual review of each Missouri certified capital company **and any qualified investing entities designated by it** to determine if the Missouri certified capital company is abiding by the requirements of certifications, to advise the Missouri certified capital company as to the certification status of its qualified investments and to ensure that no investment has been made in violation of sections 135.500 to 135.529. The cost of the annual review shall be paid by each Missouri certified capital company according to a reasonable fee schedule adopted by the department. The division of finance shall report its findings to the department as soon as practicable following completion of the audit.

2. Any material violation of sections 135.500 to 135.529 shall be grounds for decertification under this section. If the department determines that a company is not in compliance with any requirements for continuing in certification, it shall, by written notice, inform the officers of the company and the board of directors, managers, trustees or general partners that they may be decertified in one hundred twenty days from the date of mailing of the notice, unless they correct the deficiencies and are again in compliance with the requirements for certification.

3. At the end of the one hundred twenty-day grace period, if the Missouri certified capital company is still not in compliance, the department may send a notice of decertification to the company and to the directors of the department of revenue and department of insurance. Decertification of a Missouri certified capital company prior to the certified capital company meeting all requirements of subdivisions (1) to (3) of subsection 1 of section 135.516 shall cause the recapture of all premium tax credits previously claimed by an investor and the forfeiture of all future credits to be claimed by an investor with respect to its investment in the certified capital company. Decertification of a Missouri certified capital company after it has met all requirements of subdivisions (1) to (3) of subsection 1 of section 135.516 shall cause the forfeiture of premium tax credits for the taxable year of the investor in which the decertification arose and for future taxable years with no recapture of tax credits obtained by an investor with respect to the investor's tax years which ended before the decertification occurred. Once a certified capital company has [invested] **made cumulative qualified investments, including those made through a qualified investing entity and deemed to have been made by the certified capital company, in an amount equal to at least** one hundred percent of its certified capital [in qualified Missouri businesses], all future premium tax credits to be claimed by investors with respect to said certified capital company pursuant to sections 135.500 to 135.529 shall be nonforfeitable. Once a certified capital company has [invested] **made cumulative qualified investments, including those made through a qualified investing entity and deemed to have been made by the certified capital company, in an amount equal to at least** one hundred percent of its certified capital [in qualified Missouri businesses] and has met all other requirements under sections 135.500 to 135.529, it shall no longer be subject to regulation by the department except with respect to the payment of distributions to the Missouri development finance board."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Wheeler offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, page 1, Section A, Line 11 of said page, by inserting after all of said line the following:

"71.620. 1. Hereafter no person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant,

dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this state, shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, **and, after December 31, 2003, no investment funds service corporation as defined in section 143.451, RSMo, may be required to pay any such license fee in excess of twenty-five thousand dollars annually**, any law, ordinance or charter to the contrary notwithstanding.

2. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this state, shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his profession by a municipality unless that person maintains a business office within that municipality.

3. Notwithstanding any other provision of law to the contrary, no village or city of the fourth classification shall impose a license tax in excess of ten thousand dollars per license."; and

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted, which motion prevailed.

Senator Wheeler offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 12, Section 99.845, Line 28 of said page, by inserting after all of said line the following:

"14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues."

Senator Wheeler moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 22, Section 99.915, Line 5, by inserting after the words "tax increment", the following: **"fifty percent of"**; and

Further amend said page, lines 12 and 13, by striking all of said lines and inserting in lieu thereof "overall taxable income."; and

Further amend said page, line 14, by inserting after the words "tax increment", the following: **"one-half of"**.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Bartle offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 126, Section 135.207, Line 15 of said page, by inserting after all of said line the following:

"(5) In addition to all other satellite zones authorized in this section, any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants, which includes an existing state designated enterprise zone within the corporate limits of the city, may, upon approval of the local governing authority of the city and director of the department of economic development, designate a satellite zone within its corporate limits along the south-west corner of any intersection of two United States interstate highways. A prerequisite for the designation of a satellite zone pursuant to this subdivision shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of such city describing how the satellite zone corresponds to the city's overall enterprise zone strategy."

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 141, Section 178.892, Line 28 of said page, by inserting immediately after said line the following:

"348.015. As used in sections 348.005 to 348.225, the following terms shall mean:

- (1) "Agricultural development loan", a loan for the acquisition, construction, improvement, or rehabilitation of agricultural property;
- (2) "Agricultural property", any land and easements and real and personal property, including, but not limited to, buildings, structures, improvements, equipment, and livestock, which is used or is to be used in Missouri by Missouri residents for:
 - (a) The operation of a farm or ranch;
 - (b) Planting, cultivating, or harvesting cereals, natural fibers, fruits, vegetables, or trees;
 - (c) Grazing, feeding, or the care of livestock, poultry, or fish;
 - (d) Dairy production;
 - (e) Storing, transporting, or processing farm and ranch products, including, without limitation, facilities such as grain elevators, cotton gins, shipping heads, livestock pens, warehouses, wharfs, docks, creameries, or feed plants; and
 - (f) Supplying and conserving water, draining or irrigating land, collecting, treating, and disposing of liquid and solid waste, or controlling pollution, as needed for the operations set out in this subdivision;
- (3) "Authority", the Missouri agricultural and small business development authority organized pursuant to the provisions of sections 348.005 to 348.180;
- (4) "Bonds", any bonds, notes, debentures, interim certificates, bond, grant, or revenue anticipation notes, or any other evidences of indebtedness;
- (5) "Borrower", any individual, partnership, corporation, including a corporation or other entity organized pursuant to section 274.220, RSMo, firm, cooperative, association, trust, estate, political subdivision, state agency, or other legal entity or its representative executing a note or other evidence of a loan;

(6) "Eligible borrower", a borrower qualifying for an agricultural development loan, a small business development loan, or a small business pollution control facility loan under such criteria and priorities as may be established in rules of the authority or in procedural manuals issued thereunder for the purpose of directing the use of available loan funds on the basis of need for and value of each loan for the maintenance of the agricultural economy or small business and on the meeting of pollution control objectives and assuring conformity with conditions established by insurers or guarantors of loans and the preservation of the security of bonds or notes issued to finance the loan;

(7) "Insurer" or "guarantor", the Farmers Home Administration of the Department of Agriculture of the United States, the United States Small Business Administration, or any other or successor agency or instrumentality of the United States having power, or any insurance company qualified under Missouri law, to insure or guarantee the payment of agricultural development loans, small business development loans, or small business pollution control facility loans and interest thereon, or any portion thereof;

(8) "Lender", any state or national bank, federal land bank, production credit association, bank for cooperatives, federal or state- chartered savings and loan association or building and loan association or small business investment company that is subject to credit examination by an agency of the state or federal government, or any other lending institution approved by the insurer or guarantor of an agricultural development loan, small business development loan, or small business pollution control facility loan which undertakes to make or service such a loan;

(9) "Pollution", any form of environmental pollution including, but not limited to, water pollution, air pollution, land pollution, solid waste pollution, thermal pollution, radiation contamination, or noise pollution;

(10) "Pollution control facility" or "facilities", any land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination thereof, and all real and personal property deemed necessary therewith, having to do with, or the end purpose of which is, reducing, controlling, or preventing pollution;

(11) "Small business", those enterprises which, at the time of their application to the authority, meet the criteria, as interpreted and applied by the authority, for definition as a "small business" established for the Small Business Administration and set forth in Section 121.301 of Part 121 of Title 13 of the Code of Federal Regulations;

(12) "Small business development loan", a loan for the acquisition, construction, improvement, or rehabilitation of property owned or to be acquired by a small business as defined herein;

(13) "Small business pollution control facility loan", a loan for the acquisition, construction, improvement, or rehabilitation of a pollution control facility or facilities by a small business;

(14) "Value added agricultural products", any product or products that are the result of:

(a) Using an agricultural product grown in this state to produce a meat or dairy product in this state;

(b) A change in the physical state or form of the original agricultural product;

(c) An agricultural product grown in this state whose value has been enhanced by special production methods such as organically-grown products; or

(d) A physical segregation of a commodity or agricultural product grown in this state that enhances its value such as identity preserved marketing systems."; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Shields offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Committee Substitute for House Bill No. 289, Page 117, Section 99.1060, Line 4, by inserting after all of said line the following:

"100.010. As used in sections 100.010 to 100.200, unless the context clearly indicates otherwise, the following words and terms have the following meanings:

- (1) "Division", an appropriate division of the department of economic development of the state of Missouri, or any agency which succeeded to the functions of the division of commerce and industrial development;
- (2) "Facility", an industrial plant purchased, constructed, extended or improved pursuant to sections 100.010 to 100.200, including the real estate, buildings, fixtures and machinery;
- (3) "Governing body", bodies and boards, by whatever names they may be known, charged with the governing of a municipality as herein defined;
- (4) "Municipality", any county, city, incorporated town or village of the state;
- (5) "Office industry", a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company or a credit card billing and processing center;
- (6) "Project for industrial development" or "project", the purchase, construction, extension and improvement of warehouses, distribution facilities, research and development facilities, office industries, agricultural processing industries, service facilities which provide interstate commerce, and industrial plants, including the real estate either within or without the limits of such municipalities, buildings, fixtures, and machinery; except that any project of a municipality having fewer than eight hundred inhabitants shall be located wholly within the limits of the municipality;
- (7) "Revenue bonds", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality and secured by revenues of a project for industrial development.**

100.050. **1.** Any municipality proposing to carry out a project for industrial development shall first, by majority vote of the governing body of the municipality, approve the plan for the project. The plan shall include the following information pertaining to the proposed project:

- (1) A description of the project;
- (2) An estimate of the cost of the project;
- (3) A statement of the source of funds to be expended for the project;
- (4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and
- (5) Such other information necessary to meet the requirements of sections 100.010 to 100.200.

2. If the plan for the project is approved after August 28, 2003, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the following information:

- (1) A statement identifying each school district, county, or city affected by such project except property assessed by the state tax commission pursuant to chapters 151 and 153, RSMo;**
- (2) The most recent equalized assessed valuation of the real property and personal property included in the**

project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;

(3) An analysis of the costs and benefits of the project on each school district, county, or city; and

(4) Identification of any payments in lieu of taxes expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.

3. If the plan for the project is approved after August 28, 2003, any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each school district, county, or city in proportion to the current ad valorem tax levy of each school district, county, or city.

100.060. 1. The governing body of any municipality proposing a project for industrial development which involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality shall, not less than twenty days before approving the plan for a project as required by section 100.050, provide notice of the proposed project to the county in which the municipality is located and any school district that is a school district, county, or city. Such notice shall include the information required in section 100.050, shall state the date on which the governing body of the municipality will first consider approval of the plan, and shall invite such school districts, counties, or cities to submit comments to the governing body and the comments shall be fairly and duly considered.

2. Projects of a county must be located within an unincorporated area of such county except that such projects may be located within the incorporated limits of a city, town, or village within such county when approved by the governing body of such city, town, or village.

3. Notwithstanding any other provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to section 26(b), article VI, Constitution of Missouri, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes.

4. The county assessor shall include the current assessed value of all property within the school district, county, or city in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, RSMo, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to section 26(b), article VI, Constitution of Missouri.

5. This section is applicable only if the plan for the project is approved after August 28, 2003.

100.105. No later than January thirty-first of each year, the municipality shall file a report with the department of economic development on the previous year's revenue bond issuances and general obligation bond issuances, which report shall contain only the following information:

(1) The name, address, spokesperson, and telephone number of the issuing entity;

(2) The name, address, age, and type of business of the beneficiary firm;

(3) The amount, term, interest rate or rates, and date of issuance of the bonds issued;

(4) The name and address of the underwriter, if any, of such bonds;

(5) The name and address of the guarantor, if any;

- (6) The size, by assets and previous year's sales, and the current number of employees, of the beneficiary firm;
- (7) A copy of the preliminary official statement used when offering the bonds for sale;
- (8) The estimated number of new jobs to be generated by the proposed project;
- (9) A list of the use of bond proceeds, including whether the purpose of the project and the funds generated by the issuance of such bonds is to open a new business, build a branch plant, expand an existing facility, or acquire an existing business[;] **together with a general description of the real property or personal property purchased by or on behalf of the municipality with such proceeds; and**
- (10) The estimated total cost of the project.

100.180. The municipality shall have the authority to enter into loan agreements, sell, lease, or mortgage to private persons, partnerships or corporations the facilities purchased, constructed or extended by the municipality for manufacturing and industrial development purposes. In the event that the facility has been financed by revenue bonds, the installments of charges or rents shall be sufficient to meet the interest and sinking fund requirements on the bonds. The loan agreement, installment sale agreement, [or] lease, **or other such document** shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with the other provisions of sections 100.010 to 100.200."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 10, Section 99.845, Line 17 of said page, by inserting after all of said line the following:

"(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

- (s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;**
- (t) The total number of full-time equivalent positions in the development area;**
- (u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;**
- (v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;**
- (w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;**
- (x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;**
- (y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;**
- (z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;**
- (aa) A list of other community and economic benefits to result from the project;**
- (bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;**
- (cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this act is being sought;**
- (dd) A statement as to whether the development project may reduce employment at any other site, within or without of the State, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;**
- (ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;**
- (ff) A list of competing businesses in the county containing the development area and in each contiguous county;**
- (gg) A market study for the development area;**
- (hh) A certification by the chief officer of the applicant as to the accuracy of the development plan."**

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 12:

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 57, Section 99.960, Line 2, by inserting at the end of said line the following: "The department of economic development shall forward the application to the Missouri development finance board with the analysis and recommendation."

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 138, Section 135.283, Line 26 of said page, by inserting after all of said line the following:

"162.1100. 1. There is hereby established within each city not within a county a school district to be known as the "Transitional School District of (name of city)", which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be coterminous with the boundaries of the city in which the district is located. Except as otherwise provided in this section and section 162.621, the transitional school district shall be subject to all laws pertaining to "seven-director districts", as defined in section 160.011, RSMo. The transitional school district shall have the responsibility for educational programs and policies determined by a final judgment of a federal school desegregation case to be needed in providing for a transition of the educational system of the city from control and jurisdiction of a federal court school desegregation order, decree or agreement and such other programs and policies as designated by the governing body of the school district.

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of the board of aldermen of the city not within a county. The members of the governing board shall serve without compensation for a term of three years, or until their successors have been appointed, or until the transitional district is dissolved or terminated. Any tax approved for the transitional district shall be assigned to the governing body of the school district in a city not within a county after dissolution or termination of the transitional district.

(2) In the event that the state board of education shall declare the school district of a city not within a county to be unaccredited, the member of the governing board of the transitional district appointed by the governing body of the district as provided in subdivision (1) of this subsection shall, within ninety days, be replaced by a chief executive officer nominated by the state board of education and appointed by the governor with the advice and consent of the senate. The chief executive officer need not be a resident of the district but shall be a person of recognized administrative ability, shall be paid in whole or in part with funds from the district, and shall have all other powers and duties of any other general superintendent of schools, including appointment of staff. The chief executive officer shall serve for a term of three years or until his successor is appointed or until the transitional district is dissolved or terminated. His salary shall be set by the state board of education.

3. In the event that the school district loses its accreditation, upon the appointment of a chief executive officer, any powers granted to any existing school board in a city not within a county on or before August 28, 1998, shall be vested with the special administrative board of the transitional school district containing such school district so long as the transitional school district exists, except as otherwise provided in section 162.621.

4. The special administrative board's powers and duties shall include:

(1) Creating an academic accountability plan, taking corrective action in underperforming schools, and seeking relief from state-mandated programs;

(2) Exploration of alternative forms of governance for the district;

(3) Authority to contract with nonprofit corporations to provide for the operation of schools;

(4) Oversight of facility planning, construction, improvement, repair, maintenance and rehabilitation;

(5) Authority to establish school site councils to facilitate site-based school management and to improve the responsiveness of the schools to the needs of the local geographic attendance region of the school;

(6) Authority to submit a proposal to district voters pursuant to section 162.666 regarding establishment of neighborhood schools.

5. (1) The provisions of a final judgment as to the state of Missouri and its officials in a school desegregation case which subjects a district in which a transitional district is located in this state to a federal court's jurisdiction may authorize or require the governing body of a transitional school district established under this section to establish the transitional district's operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax equivalent amount as determined by the department of elementary and secondary education which may be substituted for all or part of such property tax. [The transitional school district,]

(2) Any other statute to the contrary notwithstanding, **no tax authorized pursuant to this subsection** shall [not]:

(a) Be subject to any certificate of tax abatement issued **after August 28, 1998**, pursuant to sections 99.700 to 99.715, RSMo[. Any certificate of abatement issued after August 28, 1998, shall not be applicable to the transitional school district]; **and**

(b) **Effective January 1, 2002, be subject to any new or existing tax increment financing adopted by a city not within a county pursuant to sections 99.800 to 99.865, RSMo, except that any redevelopment plan and redevelopment project concerning a convention headquarters hotel adopted by ordinance by a city not within a county prior to August 28, 2003, shall be subject to such tax increment financing.**

(3) The transitional school district shall not be subject to the provisions of section 162.081, sections 163.021 and 163.023, RSMo, with respect to any requirements to maintain a minimum value of operating levy or any consequences provided by law for failure to levy at least such minimum rate. No operating levy or increase in the operating levy or sales tax established pursuant to this section shall be collected for a transitional school district unless prior approval is obtained from a simple majority of the district's voters. The board of the transitional district shall place the matter before the voters prior to March 15, 1999.

6. (1) The special administrative board established in this section shall develop, implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall be subject to review and approval of the state board of education. The plan shall ensure that all students meet or exceed grade-level standards established by the state board of education pursuant to section 160.514, RSMo;

(2) The special administrative board shall establish student performance standards consistent with the standards established by the state board of education pursuant to section 160.514, RSMo, for preschool through grade twelve in all skill and subject areas, subject to review and approval of the state board of education for the purpose of determining whether the standards are consistent with standards established by the state board of education pursuant to section 160.514, RSMo;

(3) All students in the district who do not achieve grade-level standards shall be required to attend summer school; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(4) No student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(5) The special administrative board established in this section shall develop, implement and annually update a

professional development plan for teachers and other support staff, subject to review and approval of the state board of education.

7. The school improvement plan established pursuant to this section shall ensure open enrollment and program access to all students in the district, and, consistent with the Missouri and United States Constitutions, shall give first priority to residents of the city for admission to magnet schools. The school board shall take all practicable and constitutionally permissible steps to ensure that all magnet schools operate at full capacity. Students who change residence within the district shall be allowed to continue to attend the school in which they were initially enrolled for the remainder of their education at grade levels served by that school, and transportation shall be provided by the district to allow such students to continue to attend such school of initial enrollment.

8. To the extent practicable, the special administrative board shall ensure that per pupil expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given grade level.

9. The special administrative board shall ensure that early childhood education is available throughout the district.

10. The special administrative board shall ensure that vocational education instruction is provided within the district.

11. The special administrative board shall establish an accountability officer whose duty shall be to ensure that academically deficient schools within the district are raised to acceptable condition within two years.

12. The transitional school district in any city not within a county shall be dissolved on July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for which it was created. The state board of education may cause the termination of the transitional school district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary for the transitional district to be reestablished to accomplish the purposes established in this section. The state board of education shall provide notice to the governor and general assembly of the termination or reestablishment of the transitional school district and the termination or reestablishment shall become effective thirty days following such determination. Upon dissolution of a transitional school district pursuant to this section, nothing in this section shall be construed to reduce or eliminate any power or duty of any school district or districts containing the territory of the dissolved transitional school district unless such transitional school district is reestablished by the state board of education pursuant to this section."; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Clemens offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 126, Section 135.207, Line 15, by inserting after all of said line the following:

"(5) In addition to all other satellite zones authorized in this section, any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants which includes an existing state designated enterprise zone with the corporate limits of the city may, upon approval of the governing authority of the city and the director of the department of economic development, designate one satellite zone within its corporate limits. No satellite zone shall be designated pursuant to this subdivision until the governing authority of the city submits a plan describing how the satellite zone corresponds to the city's overall enterprise zone strategy and the director approves the plan."

Senator Clemens moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 138, Section 135.283, Line 26, by inserting after all of said line the following:

"135.400. As used in sections 135.400 to 135.430, the following terms mean:

- (1) "Certificate", a tax credit certificate issued by the department of economic development in accordance with sections 135.400 to 135.430;
- (2) "Community bank", either a bank community development corporation or development bank, which are financial organizations which receive investments from commercial financial institutions regulated by the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, or the Missouri division of finance. Community banks, in addition to their other privileges, shall be allowed to make loans to businesses or equity investments in businesses or in real estate provided that such transactions have associated public benefits;
- (3) "Community development corporation", a not-for-profit corporation [and a recipient of Community Development Block Grant (CDBG) funds pursuant to the Housing Community Development Act of 1974. Such corporations design specific, comprehensive programs to stimulate economic development, housing or other public benefits leading to the development of economically sustainable neighborhoods or communities] **whose board of directors is composed of businesses, civic, and community leaders, and whose primary purpose is to encourage and promote the industrial, economic, entrepreneurial, commercial, and civic development or redevelopment of a community or area, including the provision of housing and community development projects that benefit low-income individuals and communities;**
- (4) "Department", the Missouri department of economic development;
- (5) "Director", the director of the department of economic development, or a person acting under the supervision of the director;
- (6) "Investment", a transaction in which a Missouri small business or a community bank receives a monetary benefit from an investor pursuant to the provisions of sections 135.403 to 135.414;
- (7) "Investor", an individual, partnership, financial institution, trust or corporation meeting the eligibility requirements of sections 135.403 to 135.414. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors;
- (8) "Missouri small business", an independently owned and operated business as defined in Title 15 U.S.C. Section 632(a) and as described by Title 13 CFR Part 121, which is headquartered in Missouri and which employs at least eighty percent of its employees in Missouri, except that no such small business shall employ more than one hundred employees. Such businesses must be involved in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, insurance or professional services. For the purpose of qualifying for the tax credit pursuant to sections 135.400 to 135.430, "Missouri small business" shall include cooperative marketing associations organized pursuant to chapter 274, RSMo, which are engaged in the business of producing and marketing fuels derived from agriculture commodities, without regard for whether a cooperative marketing association has more than one hundred employees. Cooperative marketing associations organized pursuant to chapter 274, RSMo, shall not be required to comply with the requirements of section 135.414;
- (9) "Primary employment", work which pays at least the minimum wage and which is not seasonal or part-time;
- (10) "Principal owners", one or more persons who own an aggregate of fifty percent or more of the Missouri small business and who are involved in the operation of the business as a full-time professional activity;

(11) "Project", any commercial or industrial business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, unemployment or widespread reliance on public assistance which creates permanent primary employment opportunities;

(12) "State tax liability", any liability incurred by a taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions;

(13) "Target area", a group of blocks or a self-defined neighborhood where the rate of poverty in the area is greater than twice the national poverty rate and as defined by the department of social services in conjunction with the department of economic development. Areas of the state satisfying the criteria of this subdivision may be designated as a "target area" following appropriate findings made and certified by the departments of economic development and social services. In making such findings, the departments of economic development and social services may use any commonly recognized records and statistical indices published or made available by any agency or instrumentality of the federal or state government. No area of the state shall be a target area until so certified by the department of social services and the revitalization plan submitted pursuant to section 208.335, RSMo, has received approval.

135.431. 1. The department of economic development shall identify active community development corporations operating within the state and assist them in the formation of a Missouri community development corporation association. [With the assistance of the department,] **The department shall assist the community development corporation association in an amount up to ten percent of its total appropriation for community development corporations to cover the cost associated with the activities of the association.** The association shall serve as a clearinghouse for information for community development corporations. The association shall help staff members of community development corporations develop administrative skills in such areas as entrepreneurial development, grant writing, real estate analysis, financial deals structuring, negotiations, human resource development, strategic planning and community needs assessment. The association shall sponsor conferences which allow community development corporations to learn about community development activities statewide and at the federal level.

2. The Missouri community development corporation association shall be funded by dues assessed against participating community development corporations. The association shall adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted; elect officers; make expenditures which are incidental and necessary to carry out its purposes and powers; and do all things necessary to ensure full participation by Missouri community development corporations in any federal program relating to community development needs."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 13, Section 99.915, Line 5, by striking all of said line and inserting in lieu thereof the following: "operation of any sports stadium, arena or related facility which has as its intended purpose use for spectator events which seats over ten thousand persons".

Senator Goode moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Goode offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 68, Section 99.980, Line 8 of said page, by inserting after all of said line the following:

"3. The report shall include an analysis of the distribution of state supplemental downtown development financing by municipality and by economic development region, as defined by the department of economic development."; and further amend by renumbering the remaining subsections accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 35, Section 99.933, Line 4, by deleting all of said line and replacing it with the following:

"disadvantaged business enterprise program to be"; and

Further amend said section, line 10, by adding after the word "specific" the words "worker ethnicity".

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 19**, which was read:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, Page 138, Section 135.276, Line 26, by inserting after all of said line, the following:

"135.517. In order for investments of a qualifying investing entity to be counted as qualified investments pursuant to sections 135.500 through 135.529, each such investment of a qualifying investing entity must have received prior approval from the department."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Steelman moved that **SS** for **SCS** for **HCS** for **HB 289**, as amended, be adopted, which motion prevailed.

Senator Steelman was recognized to close on third reading and final passage of **SS** for **SCS** for **HCS** for **HB 289**, as amended.

President Pro Tem Kinder referred **SS** for **SCS** for **HCS** for **HB 289**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

HS for **HCS** for **HBs 349, 120, 136** and **328**, entitled:

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Caskey.

Senator Caskey offered **SS** for **HS** for **HCS** for **HBs 349, 120, 136**, and **328**:

SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 349, 120, 136 and 328

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

Senator Caskey moved that **SS** for **HS** for **HCS** for **HBs 349, 120, 136, and 328** be adopted.

President Maxwell assumed the Chair.

Senator Kennedy offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136, and 328, Page 30, Section 571.094, Line 2 of said page, striking the period "." and inserting in lieu thereof the following: ";

(11) A live firing exercise of sufficient duration under nighttime conditions for each applicant to fire a handgun, from a standing position or its equivalent, a minimum of fifty rounds at a distance of seven yards, and twenty-five rounds at a distance of fifteen yards, from a B-27 silhouette target or an equivalent target."

Senator Kennedy moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Cauthorn, Dougherty, Foster and Nodler.

At the request of Senator Kennedy, **SA 1** was withdrawn.

Senator Dougherty offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136, and 328, Page 7, Section 571.094, Line 29, by striking "twenty-one" and inserting in lieu thereof "**twenty-five**"; and

Further amend said section, page 10, lines 2-3, by striking "twenty-one" and inserting in lieu thereof "**twenty-five**"; and

Further amend said section, page 35, line 5, by striking "twenty-one" and inserting in lieu thereof "**twenty-five**".

Senator Dougherty moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 2**. He was joined in his request by Senators Bartle, Childers, Griesheimer and Nodler.

At the request of Senator Caskey, **HS** for **HCS** for **HBs 349, 120, 136 and 328**, with **SS** and **SA2** (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 7:35 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 675**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HS** for **HCS** for **HBs 349, 120, 136 and 328**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

SA 2 was again taken up.

A quorum was established by the following vote:

Present--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

Absent--Senators

Bland	Goode	Klindt	Quick--4
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Absent with leave--Senator DePasco--1

At the request of Senator Caskey, **HS** for **HCS** for **HBs 349, 120, 136 and 328**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 846, regarding Robert S. Wheeler, Clinton, which was adopted.

Senator Scott offered Senate Resolution No. 847, regarding St. Clair County Assessor Billy Wayne Crabtree, which was adopted.

Senator Scott offered Senate Resolution No. 848, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Richard Snyderhoud, Hermitage, which was adopted.

Senator Dougherty offered Senate Resolution No. 849, regarding the Missouri Coalition for a Healthy and Active America, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 850, regarding Grace Nichols, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 851, regarding Nancy Stuenkel, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 852, regarding Curt Dreyer, which was adopted.

Senator Klindt offered Senate Resolution No. 853, regarding Kenneth Eugene "Kenny" Lee, Winston, which was

adopted.

BILLS DELIVERED TO THE GOVERNOR

SS No. 2 for **SB 224**; **SCS** for **SB 238**; **SB 250**; **SCS** for **SB 269**; and **SB 456**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

April 29, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Rm. 325

Jefferson City, MO 65101

RE: Appointment to the Missouri Film Commission

Dear Terry:

Pursuant to Section 620.1200, RSMo 2002, I am appointing Senator Norma Champion to the Missouri Film Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

On behalf of Senators Gibbons, Loudon, and himself, Senator Griesheimer introduced to the Senate, fifth grade students from Oakbrook School, Ballwin.

Senator Stoll introduced to the Senate, Edward and Barb Myles, and their son, Gregory, Jefferson County; and Gregory was made an honorary page.

Senator Russell introduced to the Senate, Bruce Mitchell, and members of the Camdenton Chamber of Commerce Leadership Group.

Senator Vogel introduced to the Senate, the Physician of the Day, Dr. James Luetkemeyer,

M.D., Jefferson City.

Senator Klindt introduced to the Senate, Clay James, Corben Wilson, and thirty-eight eighth grade students and adults from Nodaway-Holt R-VII School District, Graham.

Senator Clemens introduced to the Senate, Carol Lohkamp and Dr. Pam Hedgepeth, Republic.

Senator Cauthorn introduced to the Senate, Doug, Lori, Alexis, and Jacob McPike, Mexico.

Senator Childers introduced to the Senate, Cheryl Cardangana, and thirty eighth grade students from Shell Knob Elementary School, Shell Knob.

Senator Bray introduced to the Senate, her husband, Carl Hoagland, and Al Van Arbury, St. Louis.

Senator Kinder introduced to the Senate, Valerie DeBerg, Jefferson City.

On motion of Senator Gibbons, the Senate adjourned until 8:00 a.m., Friday, May 2, 2003.

SENATE CALENDAR

SIXTY-FIFTH DAY-FRIDAY, MAY 2, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING HCS for HB 16

HCS for HB 17

HCS for HB 18

HCS for HB 19

HCS for HB 20 THIRD READING OF SENATE BILLS SS for SCS for SBs 361,

103, 156 & 329-Steelman

(In Fiscal Oversight)

SB 305-Jacob and Steelman

(In Fiscal Oversight) SENATE BILLS FOR PERFECTION SB 458-Childers

SBs 312, 49, 111, 113, 191, 206,

263, 404, 409, 418, 538, 550

& 584-Dolan, et al, with SCS

SB 485-Shields, with SCS

SB 346-Yeckel, with SCS

SB 531-Childers, with SCS

SB 307-Steelman, with SCS

SB 434-Yeckel, with SCS

SB 449-Bartle

SB 675-Gross, et al, with SCS HOUSE BILLS ON THIRD READING 1. HCS for HB 288, with SCS
(Shields)

(In Fiscal Oversight)

2. HS for HCS for HBs 517, 94,
149, 150 & 342-Portwood,
with SCS (Gross)

3. HS for HB 668-Crawford,
with SCS (Dolan)

4. HS for HB 470-Mayer,
with SCS (Bartle)

5. HB 198-Stevenson, et al
(Nodler)

6. HS for HB 197-Johnson (47),
with SCS (Shields)

7. HS for HCS for HB 564-
Behnen, with SCS (Yeckel)

8. HS for HCS for HB 228-
Pearce, with SCS (Goode)

9. HB 598-Schlottach, et al,
with SCS

10. HB 327-Lipke, with SCS
(Dolan)

11. HCS for HB 185, with SCS
(Gross)

12. HB 91-Mayer, with SCS

(Steelman)

13. HS for HCS for HBs

679 & 396-Hanaway INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 27-Gibbons, with SCS

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 209-Steelman, et al,

with SCS

SB 217-Champion and Clemens,

with SS (pending)

SB 241-Yeckel, with SCS

SBs 248, 100, 118, 233, 247, 341

& 420-Gross, et al, with SCS

& SS for SCS (pending)

SB 253-Steelman, et al, with SCS,

SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,
331, 368, 369, 419, 484 & 581-
Dolan, with SCS
SB 347-Loudon, et al, with SCS
SB 362-Steelman and Gross
SBs 381, 384, 432 & 9-Dolan, with
SCS & SS for SCS (pending)
SBs 415, 88, 200, 223, 413, 523,
589 & 626-Yeckel, with SCS
SB 416-Yeckel, with SCS
SB 436-Klindt, with SCS,
SS for SCS & SA 2 (pending)
SB 446-Bartle, with SCS
SB 450-Mathewson, et al, with SCS,
SS for SCS & SA 2 (pending)
SB 455-Dougherty and Shields
SB 460-Loudon, with SS &
SA 1 (pending)
SB 476-Jacob
SB 564-Gross
SB 685-Gibbons, et al, with SCS
SB 693-Klindt, et al, with SCS
SJR 13-Stoll

HOUSE BILLS ON THIRD READING HCS for HB 73 (Yeckel)

HCS for HB 144, with SCS
(Vogel)
HB 208-Engler, et al,
with SCS (Kinder)
HS for HCS for HB 257-

Munzlinger, with SCS

(Cauthorn)

HB 286-Bearden, with SCS

(Shields)

SS for SCS for HCS for HB

289 (Steelman)

(In Fiscal Oversight)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HCS for HBs 346 & 174,

with SCS (Foster)

HS for HCS for HBs 349,

120, 136 & 328-Crawford,

with SS & SA 2 (pending)

(Caskey)

HB 412-Goodman, et al

(Childers)

HB 444-Jackson, with SCS

(Yeckel)

HB 445-Portwood, et al,

with SCS (Loudon)

HS for HB 511-Deeken,

with SCS (Yeckel) CONSENT CALENDAR

Reported 2/10

SB 62-Caskey

Reported 3/13 SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan House Bills

Reported 4/14 HB 307-Merideth and

Shoemaker (Foster)

HB 505-Byrd and Villa,

with SCS (Mathewson) Reported 4/15

HCS for HB 613, with SCS

(Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS SCS for SB 16-Childers, with

HCS

SS for SCS for SB 36-Klindt,

with HCS, as amended

SCS for SB 61-Caskey, with HCS

SB 68-Childers, with HCS

SB 101-Caskey, with HCS

SCS for SB 130-Gross and

Dolan, with HCS

SB 136-Goode, with HCS

SB 175-Loudon, with HCS

SB 186-Cauthorn, with HCS

SCS for SBs 212 & 220-Bartle,

with HCS

SCS for SB 218-Goode, et al,

with HCS

SB 228-Griesheimer, with HCS

SB 266-Shields and Kennedy, with HCS

SB 275-Russell, with HCS

SCS for SB 281-Shields, with HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 295-Shields, with HCS

SCS for SB 296-Griesheimer, with

HS for HCS, as amended

SS for SCS for SB 298-

Griesheimer, with HCS,

as amended

SB 301-Bray, with HCS

SB 325-Steelman, with HCS

SB 355-Stoll, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 373-Bartle, with HCS

SB 399-Caskey, with HCS

SB 423-Childers, with HCA 1

SCS for SB 447-Bartle,

with HCA 1

SB 465-Bartle, with HCS

SB 468-Bartle, with HCA 1

SB 470-Bartle, with HCS

SB 474-Bartle, with HCS

SB 504-Clemens and Champion,

with HCS

SCS for SB 547-Caskey, with HCS

SCS for SB 592-Foster, with HCS

SCS for SB 666-Bland, with HCS BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference SCS#2 for SB 52-Shields, with HCS

SCS for SBs 299 & 40-Champion,

et al, with HS, as amended

SB 394-Bartle, with HCS,

as amended

SB 401-Dolan, et al, with HCS

SB 407-Klindt, with HCS

SB 448-Bartle, with HCS

SB 552-Yeckel, with HCS Requests to Recede or Grant Conference SCS for SB 379-Champion,

with HCS

(Senate requests House

recede or grant conference)

HCS for HB 427, with SCS

(Bartle)

(House requests Senate

recede or grant conference) RESOLUTIONS

SCR 15-Dolan, et al

To be Referred HCR 29-Jetton, et al

HCR 32-Miller Reported from Committee SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al

SCR 18-Mathewson and

Steelman

HCR 11-Moore and Walton

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY--FRIDAY, MAY 2, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

Reverend Carl Gauck offered the following prayer:

"I love the Lord, because he has heard the voice of my supplications, because he has inclined his ear to me whenever I called upon him." (Psalm 116:1)

Holy God, we thank You daily; we call upon You and You hear our voices and You incline Your ear to our prayers. We thank You for Your blessing us with Your guiding presence. We thank You for those You have given us to love and for teaching us to love as You have loved us. We pray for You to watch over us this day in the work we complete here and in our traveling to be with loved ones once again. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV, the Jefferson City News Tribune and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33	Absent with leave--Senator DePasco--1		

RESOLUTIONS

Senator Quick offered Senate Resolution No. 854, regarding Spencer Ray Langston, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 855, regarding Adam Jonathan Moore, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 856, regarding Richard Janulewicz, Clay County, which was adopted.

Senator Goode offered Senate Resolution No. 857, regarding Missouri Teacher of the Year Audrey Ferguson, St. Louis, which was adopted.

Senators Quick, Klindt and Wheeler offered Senate Resolution No. 858, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alan "J" Baker, Gladstone, which was adopted.

Senator Champion offered Senate Resolution No. 859, regarding Robyn Worsey, Rolla, which was adopted.

Senator Vogel offered Senate Resolution No. 860, regarding Linda K. Shockley, Auxvasse, which was adopted.

Senator Vogel offered Senate Resolution No. 861, regarding Jessica Steinmetz, Jefferson City, which was adopted.

Senator Yeckel offered Senate Resolution No. 862, regarding Andrew David Mikusch, Crestwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 863, regarding Kevin John Sheehan, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 864, regarding the Center for Emerging Technologies, St. Louis, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 16--Appropriations.

HCS for HB 17--Appropriations.

HCS for HB 18--Appropriations.

HCS for HB 19--Appropriations.

HCS for HB 20--Appropriations.

REFERRALS

President Pro Tem Kinder referred **HS** for **HCS** for **HB 228**, with **SCS**; **HS** for **HCS** for **HBs 679** and **396**, with **SCS**; and **HS** for **HB 197**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HS** for **HCS** for **HBs 349, 120, 136, and 328**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

SA 2 was again taken up.

Senator Caskey offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136, and 328, Page 7, Section 571.094, Line 29, by striking "twenty-one" and inserting in lieu thereof "**twenty-three**"; and

Further amend said section, page 10, lines 2-3, by striking "twenty-one" and inserting in lieu thereof "**twenty-three**"; and

Further amend said section, page 35, line 5, by striking "twenty-one" and inserting in lieu thereof "**twenty-three**".

Senator Caskey moved that the above substitute amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
Absent--Senators			
Bland	Dolan--2		
Absent with leave--Senator DePasco--1			

Senator Jacob offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136, and 328, Page 1, Section 571.094, Line 2, by deleting the word "twenty-three" and inserting in lieu thereof the word "twenty-four"; and

Further amend said section, page 1, line 5, by deleting the word "twenty-three" and inserting in lieu thereof the word "twenty-four"; and

Further amend said section, page 1, line 8, by deleting the word "twenty-three" and inserting in lieu thereof the word "twenty-four"; and

Further amend said section, page 1, line 8, by inserting after the end of said line the following: "; and

Further amend said section, page 8, line 2, by deleting the words "six months" and inserting in lieu thereof the words "two years" and further amend said section, page 9, line 28, by deleting the words "six months" and inserting in lieu thereof the words "two years"; and

Further amend said section, Page 35, lines 7-8, by deleting the words "six months" and inserting in lieu thereof the words "two years".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Kennedy and Scott.

SA 1 to **SSA 1** for **SA 2** failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy

Wheeler--9

NAYS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	

Absent--Senator Quick--1

Absent with leave--Senator DePasco--1

SSA 1 for **SA 2** was again taken up.

Senator Caskey moved that the above substitute amendment be adopted, which motion prevailed.

Senator Bray offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136 and 328, Page 2, Section 50.535, Line 15, by inserting immediately after said line the following:

"571.023. 1. A person commits the crime of criminally negligent storage of a firearm if:

(1) Such person stores or keeps any loaded firearm or unloaded firearm and ammunition for that firearm on any premises under his or her custody and control;

(2) He or she knows or reasonably should know that a minor is capable of gaining access to the loaded firearm or unloaded firearm and ammunition; and

(3) A minor obtains the loaded firearm or unloaded firearm and ammunition and uses it to cause the death of or any serious injury to any person or exhibits the firearm in a public place or uses it to threaten injury or death to any person.

2. The provisions of subsection 1 of this section shall not apply if:

(1) Such person keeps:

(a) The loaded firearm or unloaded firearm and ammunition in a securely locked box or other locked container;

(b) The loaded or unloaded firearm secured by a locking mechanism that renders the firearm inoperable;

(c) The loaded or unloaded firearm in a dismantled state that renders the firearm inoperable and stores the dismantled part separate from the rest of the firearm in a securely locked box or other locked container; or

(d) The ammunition for an unloaded firearm stored separate from that unloaded firearm in a securely locked box or other locked container;

(2) The person is a peace officer, member of the armed forces, or a member of the national guard and the minor obtains the firearm during, or incidental to, that person performing his or her official duties;

(3) The minor obtains and discharges the firearm in a lawful act of self-defense or defense of one or more persons;

- (4) The minor obtains the firearm as the result of an unlawful entry;**
- (5) The minor was supervised by a person twenty-one years of age or older and was engaging in hunting, sporting, or another lawful purpose; or**
- (6) The minor was engaged in an agricultural enterprise.**

3. As used in this section the term "minor" means any person eighteen years of age or younger.

4. Firearms dealers shall be required to provide purchasers with a written warning about the provisions of this section and to place a conspicuous warning sign at the place where their firearms are sold. The warning shall read as follows:

"It is unlawful and a violation of section 571.023, RSMo, to store, transport, or abandon a loaded firearm or an unloaded firearm and ammunition for that firearm in a place where minors are likely to be and can obtain access to the loaded firearm or unloaded firearm and ammunition."

5. Criminally negligent storage of a firearm is a class A misdemeanor." ; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
Absent--Senators			
Bartle	Coleman	Dolan	Jacob
Quick--5			
Absent with leave--Senator DePasco--1			

SA 3 was again taken up.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
Absent--Senators			
Dolan	Quick--2		

Senator Bland offered SA 1 to SA 3:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136, and 328, Page 3, Section 571.023, Line 2, by inserting immediately after said line the following:

"571.227. 1. It shall be unlawful for manufacturers of concealable firearms, as defined in section 571.010, or of assault weapons, as defined in subsection 2 of this section, to distribute any concealable firearm or assault weapon in this state unless such firearm is equipped with a reusable child safety lock, firearm lock or firearm locking device, gun lock or gun locking device appropriate for such firearm, which lock or device shall be constructed of material sufficiently strong to prevent it from being easily disabled and have a locking mechanism accessible by key or electronic or other mechanical accessory specific to such lock or device to prevent unauthorized removal of the locking device.

2. As used in this section an assault weapon is:

(1) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic firearms: Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol;

(2) A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be rapidly assembled if those parts are in the possession or under the control of the same person; or

(3) Any of the following:

(a) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

a. A pistol grip that protrudes conspicuously beneath the action of the weapon;

b. A thumbhole stock;

c. A folding or telescoping stock;

d. A grenade launcher or flare launcher;

e. A flash suppressor;

- f. A forward pistol grip;
- (b) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than ten rounds;
- (c) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches;
- (d) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:
 - a. A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;
 - b. A second handgrip;
 - c. A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel;
 - d. The capacity to accept a detachable magazine at some location outside of the pistol grip;
- (e) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than ten rounds;
- (f) A semiautomatic shotgun that has both of the following:
 - a. A folding or telescoping stock; and
 - b. A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip;
- (g) A semiautomatic shotgun that has the ability to accept a detachable magazine; or
- (h) Any shotgun with a revolving cylinder.

3. Assault weapon does not include any antique firearm.

4. As used in this section, the following terms mean:

- (1) "Capacity to accept more than ten rounds", capable of accommodating more than ten rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than ten rounds;
- (2) "Magazine", any ammunition feeding device.

5. As used in this section the term "assault weapon" does not include any firearm modified to render it permanently inoperable."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, and requested a roll call vote be taken. She was joined in her request by Senators Bray, Coleman, Days and Stoll.

SA 1 to SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Wheeler--9			
NAYS--Senators			

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--22		
	Absent--Senators		
Dolan	Quick--2		
	Absent with leave--Senator DePasco--1		

SA 3 was again taken up.

Senator Bray offered **SA 2** to **SA 3**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136, and 328, Page 1, Section 571.023, Line 13, by deleting after the fourth word "person" the words "or exhibits the firearm in a public place"; and further amend said amendment, page 2, line 20, by deleting the word "eighteen" and inserting in lieu thereof the word "sixteen".

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Coleman, Days, Jacob and Kennedy.

Senator Bartle assumed the Chair.

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--27	
	Absent--Senators		
Childers	Dolan	Goode	Quick
Russell	Stoll--6		
	Absent with leave--Senator DePasco--1		

SA 2 to **SA 3** failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Coleman	Days
Dougherty	Jacob	Kennedy	Quick
Wheeler--9			
	NAYS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster

Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
	Absent--Senators		
Goode	Stoll--2		
	Absent with leave--Senator DePasco--1		

SA 3 was again taken up.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Coleman, Days, Jacob and Scott.

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Coleman	Days
Dougherty	Jacob	Kennedy	Quick
Wheeler--9			
	NAYS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
	Absent--Senators		
Goode	Stoll--2		
	Absent with leave--Senator DePasco--1		

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	Absent--Senators		
Bray	Days	Gross--3	
	Absent with leave--Senator DePasco--1		

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136 and 328, Page 23, Section 571.094, Lines 12-15, by striking all of said lines and inserting in lieu thereof the following: "**of**

the general assembly. Possession of a firearm".

Senator Jacob moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Caskey	Cauthorn	Champion
Clemens	Coleman	Days	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
Absent--Senators			
Bland	Bray	Childers	Dolan
Dougherty	Quick	Russell--7	
Absent with leave--Senator DePasco--1			

Senator Jacob offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136 and 328, Page 23, Section 571.094, Lines 12-15, by striking all of said lines and inserting in lieu thereof the following: "**of the general assembly. Possession of a firearm**"; and

Further amend said bill, section and page, line 19, by inserting after the word "court" the following: ", **the state, any state agency**".

Senator Jacob moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Days, Dougherty and Kennedy.

SSA 1 for **SA 4** failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Wheeler--9			
NAYS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--22		
Absent--Senators			
Dolan	Quick--2		
Absent with leave--Senator DePasco--1			

At the request of Senator Jacob, **SA 4** was withdrawn.

Senator Coleman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136 and 328, Page 27, Section 571.094, Line 8 of said page, by inserting after all of said line the following:

"21. Any concealed carry endorsement holder shall immediately disclose to a business establishment owner or operator that he or she is bringing a concealed weapon into such establishment."; and

Further renumber the remaining subsections accordingly.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Bray, Days and Kennedy.

SA 5 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Jacob	Kennedy--7	
NAYS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--22		
Absent--Senators			
Dolan	Goode	Quick	Wheeler--4
Absent with leave--Senator DePasco--1			

Senator Bland offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136 and 328, Page 39, Section 571.094, Line 5, by inserting immediately after said line the following:

"Section 1. 1. This section shall be known as the "Missouri Ballistic Identification Act".

2. Manufacturers and retail sellers of firearms shall establish a ballistic identification database for each firearm sold in the state of Missouri and shall be maintained by the department of public safety.

3. As used in this section, the following terms shall mean:

(1) "Ballistic identification", striation marks produced when the projectile passes through the barrel of a firearm;

(2) "Ballistic identification database", the records and depository of projectiles and records of the striation marks produced when a firearm is discharged and the identification of the firearm that produced the striation

marks.

4. All manufacturers that ship or transport a handgun to be sold in Missouri shall include in the box with the handgun, in a separate container:

- (1) A shell casing of a projectile discharged from that handgun; and
- (2) Additional information that identifies the type of handgun or shell casing.

5. The shell casing and additional information shall be sent to the Missouri department of public safety to be maintained in a ballistic identification database for the public good."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion failed.

Senator Kennedy offered SA 7, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 349, 120, 136, and 328, Page 9, Section 571.094, Line 19, by inserting after said line the following:

"(11) Has no outstanding state or local taxes, municipal fines, or traffic fines."

Senator Kennedy moved that the above amendment be adopted.

PRIVILEGED MOTIONS

Senator Caskey submitted the following:

Shall the main question be now put?

/s/ Harold L. Caskey

/s/ David G. Klindt

/s/ John Cauthorn

/s/ Dan Clemens

/s/ Norma Champion

The motion to move the previous question was adopted by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Vogel	Yeckel--20
NAYS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Jacob	Kennedy	Mathewson
Quick	Steelman	Stoll--11	

Goode
Absent--Senators
Wheeler--2
Absent with leave--Senator DePasco--1

Senator Dougherty inquired of the President as to what the question would be before the body.

The President indicated that votes would be taken on the adoption of **SA 7**; the adoption of the Senate Substitute and the third reading of the bill.

Senator Dougherty raised the point of order that the motion to move the previous question should apply only to the immediate business at hand, **SA 7**.

Senator Shields assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Bartle assumed the Chair.

SA 7 to **SS** for **HS** for **HCS** for **HBs 349, 120, 136, and 328** failed of adoption.

Senator Jacob rose to appeal the ruling made by the President Pro Tem of the Senate on Senator Dougherty's point of order.

The ruling made by the President Pro Tem was sustained by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
	NAYS--Senators		
Bland	Bray	Coleman	Days
Dougherty	Jacob	Kennedy	Mathewson
Quick	Stoll--10		
	Absent--Senators		
Goode	Wheeler--2		
	Absent with leave--Senator DePasco--1		

Senator Dougherty requested a roll call vote be taken on the adoption of **SS** for **HS** for **HCS** for **HBs 349, 120, 136, and 328**, as amended. He was joined in his request by Senators Days, Coleman, Gibbons and Jacob.

SS for **HS** for **HCS** for **HBs 349, 120, 136, and 328**, as amended, was adopted by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--22		
	NAYS--Senators		

Bray	Coleman	Days	Dougherty
Gibbons	Jacob	Kennedy	Quick--8
	Senators Not Voting--Senator Bland-- 1		
	Absent--Senators		
Goode	Wheeler--2		
	Absent with leave--Senator DePasco-- 1		

SS for HS for HCS for HBs 349, 120, 136, and 328, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Griesheimer	Gross	Jacob	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
	NAYS--Senators		
Bray	Coleman	Days	Dougherty
Gibbons	Kennedy	Quick--7	
	Senators Not Voting--Senator Bland-- 1		
	Absent--Senators		
Goode	Wheeler--2		
	Absent with leave--Senator DePasco-- 1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 865, Jan LaZear, St. Ann, which was adopted.

Senator Loudon offered Senate Resolution No. 866, regarding Kay Sullivan, which was adopted.

Senator Loudon offered Senate Resolution No. 867, regarding Colleen Mullins, which was adopted.

Senator Loudon offered Senate Resolution No. 868, regarding Richard C. Goldberg, Maryland Heights, which was adopted.

Senator Mathewson offered Senate Resolution No. 869, regarding Corrections Officer I Kimberly Clayton, Fayette, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stoll introduced to the Senate, Kevin Roberts, Nathan Stewart, Jack Stewart, and Gary Erxleben, Jefferson

County.

On motion of Senator Gibbons, the Senate adjourned until 12:30 p.m., Monday, May 5, 2003.

SENATE CALENDAR

SIXTY-SIXTH DAY-MONDAY, MAY 5, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)

SB 305-Jacob and Steelman
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 458-Childers
SBs 312, 49, 111, 113, 191, 206,
263, 404, 409, 418, 538, 550

& 584-Dolan, et al, with SCS

SB 485-Shields, with SCS

SB 346-Yeckel, with SCS

SB 531-Childers, with SCS

SB 307-Steelman, with SCS

SB 434-Yeckel, with SCS

SB 449-Bartle

SB 675-Gross, et al, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 288, with

SCS (Shields)

(In Fiscal Oversight)

2. HS for HCS for HBs 517, 94,

149, 150 & 342-Portwood,

with SCS (Gross)

3. HS for HB 668-Crawford,

with SCS (Dolan)

4. HS for HB 470-Mayer,

with SCS (Bartle)

5. HB 198-Stevenson, et al

(Nodler)

6. HS for HB 197-Johnson (47),

with SCS (Shields)

(In Fiscal Oversight)

7. HS for HCS for HB 564-

Behnen, with SCS (Yeckel)

8. HS for HCS for HB 228-

Pearce, with SCS (Goode)

(In Fiscal Oversight)

9. HB 598-Schlottach, et al, with SCS

10. HB 327-Lipke, with SCS

(Dolan)

11. HCS for HB 185, with SCS

(Gross)

12. HB 91-Mayer, with SCS

(Steelman)

13. HS for HCS for HBs 679 &

396-Hanaway (Shields)

(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 27-Gibbons, with SCS

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)
SB 112-Loudon, with SCS
SBs 125 & 290-Goode, with
SCS & SA 6 (pending)
SB 209-Steelman, et al,
with SCS
SB 217-Champion and
Clemens, with SS (pending)
SB 241-Yeckel, with SCS
SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with
SCS & SS for SCS (pending)
SB 253-Steelman, et al, with
SCS, SS for SCS & SA 1 (pending)
SB 300-Cauthorn, et al, with SCS
SBs 343, 89, 134, 171, 240, 261,
331, 368, 369, 419, 484 &
581-Dolan, with SCS
SB 347-Loudon, et al, with SCS
SB 362-Steelman and Gross
SBs 381, 384, 432 & 9-Dolan,
with SCS & SS for SCS (pending)

SBs 415, 88, 200, 223, 413, 523,
589 & 626-Yeckel, with SCS
SB 416-Yeckel, with SCS
SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

SB 446-Bartle, with SCS

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2 (pending)

SB 455-Dougherty and Shields

SB 460-Loudon, with SS &

SA 1 (pending)

SB 476-Jacob

SB 564-Gross

SB 685-Gibbons, et al, with SCS

SB 693-Klindt, et al, with SCS

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HCS for HB 144, with SCS

(Vogel)

HB 208-Engler, et al,

with SCS (Kinder)

HS for HCS for HB 257-

Munzlinger, with SCS

(Cauthorn)

HB 286-Bearden, with SCS (Shields)

SS for SCS for HCS for HB 289 (Steelman)

(In Fiscal Oversight)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HCS for HBs 346 & 174,

with SCS (Foster)

HB 412-Goodman, et al (Childers)

HB 444-Jackson, with SCS (Yeckel)

HB 445-Portwood, et al,

with SCS (Loudon)

HS for HB 511-Deeken,

with SCS (Yeckel)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 307-Merideth and
Shoemaker (Foster)

HB 505-Byrd and Villa,
with SCS (Mathewson)

Reported 4/15

HCS for HB 613, with SCS
(Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 16-Childers,
with HCS

SS for SCS for SB 36-Klindt,
with HCS, as amended

SCS for SB 61-Caskey,

with HCS

SB 68-Childers, with HCS

SB 101-Caskey, with HCS

SCS for SB 130-Gross and

Dolan, with HCS

SB 136-Goode, with HCS

SB 175-Loudon, with HCS

SB 186-Cauthorn, with HCS

SCS for SBs 212 & 220-

Bartle, with HCS

SCS for SB 218-Goode, et al,

with HCS

SB 228-Griesheimer, with HCS

SB 266-Shields and Kennedy,

with HCS

SB 275-Russell, with HCS

SCS for SB 281-Shields,

with HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 295-Shields, with HCS

SCS for SB 296-Griesheimer,

with HS for HCS, as amended

SS for SCS for SB 298-

Griesheimer, with HCS,

as amended

SB 301-Bray, with HCS

SB 325-Steelman, with HCS

SB 355-Stoll, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 373-Bartle, with HCS

SB 399-Caskey, with HCS

SB 423-Childers, with HCA 1

SCS for SB 447-Bartle, with HCA 1

SB 465-Bartle, with HCS

SB 468-Bartle, with HCA 1

SB 470-Bartle, with HCS

SB 474-Bartle, with HCS

SB 504-Clemens and

Champion, with HCS

SCS for SB 547-Caskey, with HCS

SCS for SB 592-Foster, with HCS

SCS for SB 666-Bland, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 52-Shields,

with HCS

SCS for SBs 299 & 40-Champion, et al,

with HS, as amended

SB 394-Bartle, with HCS, as amended

SB 401-Dolan, et al, with HCS

SB 407-Klindt, with HCS

SB 448-Bartle, with HCS

SB 552-Yeckel, with HCS

Requests to Recede or Grant Conference

SCS for SB 379-Champion,
with HCS

(Senate requests House
recede or grant conference)

HCS for HB 427, with SCS
(Bartle)

(House requests Senate
recede or grant conference)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

HCR 32-Miller

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al

SCR 18-Mathewson and

Steelman

HCR 11-Moore and Walton

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY--MONDAY, MAY 5, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"God is our refuge and strength, a very present help in trouble." (Psalm 46:1)

Merciful God, the winds and rain roared through our land and left many of our fellow citizens dead, and towns destroyed. We pray be with those who mourn their dead and provide compassion for Your people. Touch the bodies of those injured that they may regain their strength and their lives, in service to You our God. Moreover, help us find ways to help those in need. And this week help us meet the challenges that will confront us. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, May 2, 2003, was read and approved.

Photographers from KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 870, regarding Philip Stewart Elliott, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 871, regarding Jonathon H. "John" Weaver, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 872, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Nelson Cornelius, Cosby, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **HCS** for **HB 289**, as amended; **HCS** for **HB 288**, with **SCS**; **SB 305**; **HS** for **HCS** for **HB 228**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator Steelman moved that **SS** for **SCS** for **HCS** for **HB 289**, as amended, be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **HCS** for **HB 289**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Childers	Clemens	Coleman	Dolan
Dougherty	Foster	Gibbons	Goode
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Stelman
Stoll	Wheeler	Yeckel--27	

NAYS--Senators

Days
Griesheimer--2

Absent--Senators

Bland	Champion	Klindt	Vogel--4
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Stelman	Stoll	Wheeler	Yeckel--28

NAYS--Senator Griesheimer--1

Absent--Senators

Bland	Champion	Klindt	Vogel--4
Absent with leave--Senator DePasco--1			

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Cauthorn moved that the Senate refuse to concur in **HCS** for **SB 186** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HB 511**, with **SCS**, entitled:

An Act to repeal sections 115.027, 115.073, 115.074, 115.076, 115.085, 115.098, 115.103, 115.105, 115.107, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.761, 115.801, 116.175, and 116.190, RSMo, and to enact in lieu thereof thirty-four new sections relating to elections, with a penalty provision in a certain section.

Was called from the Informal Calendar and taken up by Senator Yeckel.

SCS for **HS** for **HB 511**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 511

An Act to repeal sections 115.027, 115.073, 115.074, 115.076, 115.085, 115.098, 115.103, 115.105, 115.107, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.761, 115.801, 116.175, and 116.190, RSMo, and to enact in lieu thereof thirty-four new sections relating to elections, with a penalty provision in a certain section.

Was taken up.

Senator Yeckel moved that **SCS** for **HS** for **HB 511** be adopted.

Senator Yeckel offered **SS** for **SCS** for **HS** for **HB 511**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 511

An Act to repeal sections 115.027, 115.073, 115.074, 115.076, 115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.436, 115.761, 115.801, 116.175, and 116.190, RSMo, and to enact in lieu thereof thirty-six new sections relating to elections, with a penalty provision in a certain section and an emergency clause for a certain section.

Senator Yeckel moved that **SS** for **SCS** for **HS** for **HB 511** be adopted.

Senator Yeckel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 61, Section 115.430, Line 27 of said page, by inserting immediately after "section 115.427" the following: "**, or may vote at a central polling place as established in section 115.115 where they may vote their appropriate ballot upon verification of eligibility or vote a provisional ballot if eligibility cannot be determined**".

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 7, Section 115.076, Line 17 of said page, by inserting after all of said line the following:

"115.077. 1. Special districts, cities, townships in township organization counties, villages and the state shall pay the election costs required by this subchapter to each election authority conducting its elections.

2. Not later than the fifth Tuesday prior to any election to be conducted for the state, a special district or political subdivision, the election authority shall estimate the cost of conducting the election for the state and each political subdivision and special district submitting a candidate or question at the election. Not later than the third Tuesday prior to the election, the state, each special district and political subdivision submitting a candidate or question at the election, except the county, shall deposit with the election authority an amount equal to the estimated cost of conducting the election for the state, the political subdivision or special district. All payments of election costs received by an election authority under the provisions of this subsection shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting the election. If the amount paid to an election authority by the state or any political subdivision or special district exceeds the cost of conducting the election for the state, political subdivision or special district, the election authority shall promptly refund to the state, political subdivision or special district the difference between the amount deposited with it and the cost of conducting the election. If the amount deposited with an election authority by the state or any political subdivision or special district is less than the cost of conducting the election for the state, political subdivision or special district, the state, political subdivision or special district shall, not later than the fifth Tuesday after the election, pay to the election authority the difference between the amount deposited and the cost of conducting the election.

3. Except as provided in section 115.061, all payments of election costs received by an election authority under the provisions of this section shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting elections.

4. When the state or any political subdivision or special district willfully fails to make payment of an election cost required by this subchapter by the time provided in this subchapter, it shall pay a penalty of fifty dollars for each day after the time provided in this subchapter proper payment is not made. Any such penalty shall be payable to the election authority authorized to receive payment of the election cost and shall be deposited in the general revenue fund of such election authority's city or county.

5. There is hereby created the "State Election Subsidy Fund" in the state treasury which shall be funded by appropriations from the general assembly for the purpose of the state making advance payments of election costs as required by this section. **To meet the state's funding obligation to maintain expenditures pursuant to section 254(a)(7) of the Help America Vote Act of 2002, the commissioner of the office of administration shall annually transfer from general revenue to the state election subsidy fund an amount not less than the amount expended in the fiscal year that ended June 30, 2000. At the end of each fiscal year, any amounts in the state election subsidy fund not expended or obligated to meet the state's obligations pursuant to section 115.065 and this section shall be transferred to the election administration improvements fund authorized pursuant to section 115.078 and used to meet the maintenance of effort funding requirements of section 254(a)(7) of the Help America Vote Act of 2002. Any other law to the contrary notwithstanding, the funds received pursuant to sections 251 and 252 of the Help America Vote Act of 2002 shall be expended according to the state plan**

developed pursuant to the provisions of section 254 of said act. The secretary of state shall develop the state plan through the committee appointed by the secretary of state under the provisions of section 255 of the Help America Vote Act of 2002."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 72, Section 116.190, Line 5 of said page, by inserting after all of said line the following:

"247.170. 1. Whenever any city owning a waterworks or water supply system extends its corporate limits to include any part of the area in a public water supply district, and the city and the board of directors of the district are unable to agree upon a service, lease or sale agreement, or are unable to proceed under section 247.160, then upon the expiration of ninety days after the effective date of the extension of the city limits, that part of the area of the district included within the corporate limits of the city may be detached and excluded from the district in the following manner:

(1) A petition to detach and exclude that part of the public water supply district lying within the corporate limits of the city as such limits have been extended, signed by not less than [twenty-five voters within the water supply district,] **one fourth of the registered voters from each subdistrict within the water supply district, or fifty registered voters from each subdistrict, whichever is less**, shall be filed in the circuit court of the county in which the district was originally organized.

(2) The court, being satisfied as to the sufficiency of the petition, shall call a special election of the voters of the district at which election the proposal to detach and exclude the part of the district lying within the corporate limits of the city shall be submitted to the voters in the entire district for a vote thereon. The election shall be conducted within the district by the election authority.

(3) The ballot shall briefly state the question to be voted on.

(4) In order to approve the detachment and exclusion of any part of the area in a public water supply district, the proposal shall require the approval of not less than a majority of the voters voting thereon.

(5) The election authorities shall thereafter promptly certify the result to the circuit court. The court, acting as a court of equity, shall thereupon without delay enter a decree detaching and excluding the area in question located within the corporate limits of the city from the public water supply district; except that before the decree detaching and excluding the area becomes final or effective, the city shall show to the court that it has assumed and agreed to pay in lump sum or in installments not less than that proportion of the sum of all existing liquidated general obligations and of all unpaid revenue bonds and interest thereon to date, of the water supply district as the assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the district, according to the official county assessment of property as of December thirty-first of the calendar year next preceding the date of the election, and in addition thereto that the city has assumed and agreed to assume or pay in a lump sum all contractual obligations of the water district that are greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water, and to pay the court costs.

(6) The decree shall thereupon vest in the city the absolute title, free and clear of all liens or encumbrances of every kind and character, to all tangible real and personal property of the public water supply district located within the part of the district situated within the corporate limits of the city with full power in the city to use and dispose of the tangible real and personal property as it deems best in the public interest.

(7) If the proposal fails to receive the approval of the voters the question may be again presented by another petition and again voted on, but not sooner than six months.

(8) Any and all sums paid out by the city under this section, other than the costs of the election, shall be administered by the circuit court for the benefit of the holders of the then existing and outstanding bonds of the district, and the remainder of such sums, if any, shall be delivered to the district to be expended in the operation, maintenance and improvement of its water distribution system.

2. Upon the effective date of any final order detaching and excluding any part of the area of any public water supply district, or leasing, selling or conveying any of the water mains, plant or equipment therein, the circuit court may, in the public interest, change the boundaries of the public water supply district and again divide or redivide the district into subdistricts for the election of directors in conformity with the provisions of section 247.040, without further petition being filed with the court so to do."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 72, Section 116.190, Line 5, by inserting after all of said line the following:

"162.601. 1. Elected members of the board in office on August 28, 1998, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall serve for the remainder of the term to which the replaced member was elected.

2. No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3. Three board members shall be elected at the second municipal election in an odd-numbered year next following August 28, 1998, to serve four-year terms.

4. Four board members shall be elected at the third municipal election in an odd-numbered year next following August 28, 1998, and two of such members shall be elected to four-year terms and two of such members shall be elected to three-year terms.

5. Beginning with the fourth municipal election in an odd-numbered year next following August 28, 1998, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

6. Members of the board of directors shall be elected to represent seven subdistricts. The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7. A member shall reside in and be elected in the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict

7 shall be comprised of wards 8, 15, 23 and 24.

[8. No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.]"'; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Quick offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 72, Section 116.190, Line 5 of said page, by inserting immediately after said line the following:

"321.120. 1. The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree, and until it has been assented to by a majority vote of the voters of the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three or five persons to act as the first board of directors, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall there be incorporated a fire protection district?

[] YES [] NO

3. The proposition of electing the first board of directors or the election of subsequent directors may be submitted on a separate ballot or on the same ballot which contains any other proposition of the fire protection district. The ballot to be used for the election of a director or directors shall be substantially in the following form:

OFFICIAL BALLOT

Instruction to voters:

Place a cross (X) mark in the square opposite the name of the candidate or candidates you favor. (Here state the number of directors to be elected and their term of office.)

ELECTION

(Here insert name of district.) Fire Protection District. (Here insert date of election.)

FOR BOARD OF DIRECTORS

..... [] [] []

4. If a majority of the voters voting on the proposition or propositions voted in favor of the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be void and of no effect. If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of the district who have been elected by the voters voting thereon. If a board of three members is elected, the person receiving the third highest number of votes shall hold office for a term

of two years, the person receiving the second highest number of votes shall hold office for a term of four years, and the person receiving the highest number of votes shall hold office for a term of six years from the date of the election of the first board of directors and until their successors are duly elected and qualified. If a board of five members is elected, the person who received the highest number of votes shall hold office for a term of six years, the persons who received the second and third highest numbers of votes shall hold office for terms of four years and the persons who received the fourth and fifth highest numbers of votes shall hold office for terms of two years and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified. The court shall at the same time enter an order of record declaring the result of the election on the proposition, if any, to incur bonded indebtedness.

5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary, upon a motion by the board of directors in districts where there are three-member boards, and upon approval by the voters in the district, the number of directors may be increased to five, except that in any county of the first classification with a population of more than nine hundred thousand inhabitants such increase in the number of directors shall apply only in the event of a consolidation of existing districts. The ballot to be used for the approval of the voters to increase the number of members on the board of directors of the fire protection district shall be substantially in the following form:

Shall the number of members of the board of directors of the (Insert name of district) Fire Protection District be increased to five members?

[] YES [] NO

If a majority of the voters voting on the proposition vote in favor of the proposition then at the next election of board members after the voters vote to increase the number of directors, the voters shall select two persons to act in addition to the existing three directors as the board of directors. The court which entered the order declaring the decree of incorporation to be final shall designate the additional board of directors who have been elected by the voters voting thereon as follows: the one receiving the second highest number of votes to hold office for a term of [three] **four** years, and the one receiving the highest number of votes to hold office for a term of six years from the date of the election of such additional board of directors and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified.

6. Members of the board of directors in office on the date of an election pursuant to subsection 5 of this section to elect additional members to the board of directors shall serve the term to which they were elected or appointed and until their successors are elected and qualified."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 3, Section 115.027, Lines 20-23 of said page, by striking all of said lines and inserting in lieu thereof the following: "advice and consent of the senate. Two commissioners on each board shall be".

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 62,

Section 115.430, Line 3 of said page, by striking the word "and" and inserting in lieu thereof a comma ","; and further amend line 5 of said page, by inserting after the word "place" the following: ", or if the election authority is unable to verify that the voter is in the correct polling place"; and further amend lines 10 to 11 of said page, by striking said lines and inserting in lieu thereof the following: "a provisional ballot at the incorrect polling place."; and

Further amend said section, Page 63, Line 22 of said page, by striking the word "provisional"; and further amend Line 23 of said page, by striking said line.

Senator Bray moved that the above amendment be adopted.

President Maxwell assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--30		
Absent--Senators			
Quick	Wheeler--2		
Absent with leave--Senators			
Coleman	DePasco--2		

SA 7 was again taken up.

Senator Bray requested a roll call vote be taken on the adoption of SA 7 and was joined in her request by Senators Bland, Days, Kennedy and Wheeler.

SA 7 failed of adoption by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Stoll	Wheeler--12
NAYS--Senators			
Cauthorn	Champion	Childers	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
Absent--Senator Quick--1			
Absent with leave--Senators			
Coleman	DePasco--2		

Senator Nodler offered SA 8:

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 16, Section 115.115, Line 11, by inserting immediately after said line the following:

"115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district [except for municipal, and board of trustees of community college districts and school board elections], if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn."; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 60, Section 115.417, Line 23 of said page, by inserting after the word "post" the following: "**during the period of time in which a person may cast an absentee ballot and**".

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Pages 61-65, Section 115.430, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 10** is out of order, as it attempts to amend previously amended material.

At the request of Senator Caskey, **SA 10** was withdrawn, rendering the point of order moot.

Senator Dougherty offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 72, Section 116.190, Line 5 of said page, by inserting after all of said line the following:

"162.1100. 1. There is hereby established within each city not within a county a school district to be known as the "Transitional School District of (name of city)", which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be coterminous with the boundaries of the city in which the district is located. Except as otherwise provided in this section and section 162.621, the transitional school district shall be subject to all laws pertaining to "seven-director districts", as defined in section 160.011, RSMo. The transitional school district shall have the responsibility for educational programs and policies determined by a final judgment of a federal school desegregation case to be needed in providing for a transition of the educational system of the city from control and jurisdiction of a federal court school desegregation order, decree or agreement and such other programs and policies as designated by the governing body of the school district.

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of the board of aldermen of the city not within a county. The members of the governing board shall serve without compensation for a term of three years, or until their successors have been appointed, or until the transitional district is dissolved or terminated. Any tax approved for the transitional district shall be assigned to the governing body of the school district in a city not within a county after dissolution or termination of the transitional district.

(2) In the event that the state board of education shall declare the school district of a city not within a county to be unaccredited, the member of the governing board of the transitional district appointed by the governing body of the district as provided in subdivision (1) of this subsection shall, within ninety days, be replaced by a chief executive officer nominated by the state board of education and appointed by the governor with the advice and consent of the senate. The chief executive officer need not be a resident of the district but shall be a person of recognized administrative ability, shall be paid in whole or in part with funds from the district, and shall have all other powers and duties of any other general superintendent of schools, including appointment of staff. The chief executive officer shall serve for a term of three years or until his successor is appointed or until the transitional district is dissolved or terminated. His salary shall be set by the state board of education.

3. In the event that the school district loses its accreditation, upon the appointment of a chief executive officer, any powers granted to any existing school board in a city not within a county on or before August 28, 1998, shall be vested with the special administrative board of the transitional school district containing such school district so long as the transitional school district exists, except as otherwise provided in section 162.621.

4. The special administrative board's powers and duties shall include:

(1) Creating an academic accountability plan, taking corrective action in underperforming schools, and seeking relief from state-mandated programs;

(2) Exploration of alternative forms of governance for the district;

(3) Authority to contract with nonprofit corporations to provide for the operation of schools;

(4) Oversight of facility planning, construction, improvement, repair, maintenance and rehabilitation;

(5) Authority to establish school site councils to facilitate site-based school management and to improve the responsiveness of the schools to the needs of the local geographic attendance region of the school;

(6) Authority to submit a proposal to district voters pursuant to section 162.666 regarding establishment of neighborhood schools.

5. (1) The provisions of a final judgment as to the state of Missouri and its officials in a school desegregation case which subjects a district in which a transitional district is located in this state to a federal court's jurisdiction may authorize or require the governing body of a transitional school district established under this section to establish the transitional district's operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax equivalent amount as determined by the department of elementary and secondary education which may be substituted for all or part of such property tax. [The transitional school district,]

(2) Any other statute to the contrary notwithstanding, **no tax authorized pursuant to this subsection** shall [not]:

(a) Be subject to any certificate of tax abatement issued **after August 28, 1998**, pursuant to sections 99.700 to 99.715, RSMo[. Any certificate of abatement issued after August 28, 1998, shall not be applicable to the transitional school district]; **and**

(b) **Effective January 1, 2002, be subject to any new or existing tax increment financing adopted by a city not within a county pursuant to sections 99.800 to 99.865, RSMo, except that any redevelopment plan and redevelopment project concerning a convention headquarters hotel adopted by ordinance by a city not within a county prior to August 28, 2003, shall be subject to such tax increment financing.**

(3) The transitional school district shall not be subject to the provisions of section 162.081, sections 163.021 and 163.023, RSMo, with respect to any requirements to maintain a minimum value of operating levy or any consequences provided by law for failure to levy at least such minimum rate. No operating levy or increase in the operating levy or sales tax established pursuant to this section shall be collected for a transitional school district unless prior approval is obtained from a simple majority of the district's voters. The board of the transitional district shall place the matter before the voters prior to March 15, 1999.

6. (1) The special administrative board established in this section shall develop, implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall be subject to review and approval of the state board of education. The plan shall ensure that all students meet or exceed grade-level standards established by the state board of education pursuant to section 160.514, RSMo;

(2) The special administrative board shall establish student performance standards consistent with the standards established by the state board of education pursuant to section 160.514, RSMo, for preschool through grade twelve in all skill and subject areas, subject to review and approval of the state board of education for the purpose of determining whether the standards are consistent with standards established by the state board of education pursuant to section 160.514, RSMo;

(3) All students in the district who do not achieve grade-level standards shall be required to attend summer school; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(4) No student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(5) The special administrative board established in this section shall develop, implement and annually update a professional development plan for teachers and other support staff, subject to review and approval of the state board of education.

7. The school improvement plan established pursuant to this section shall ensure open enrollment and program access to all students in the district, and, consistent with the Missouri and United States Constitutions, shall give first priority

to residents of the city for admission to magnet schools. The school board shall take all practicable and constitutionally permissible steps to ensure that all magnet schools operate at full capacity. Students who change residence within the district shall be allowed to continue to attend the school in which they were initially enrolled for the remainder of their education at grade levels served by that school, and transportation shall be provided by the district to allow such students to continue to attend such school of initial enrollment.

8. To the extent practicable, the special administrative board shall ensure that per pupil expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given grade level.

9. The special administrative board shall ensure that early childhood education is available throughout the district.

10. The special administrative board shall ensure that vocational education instruction is provided within the district.

11. The special administrative board shall establish an accountability officer whose duty shall be to ensure that academically deficient schools within the district are raised to acceptable condition within two years.

12. The transitional school district in any city not within a county shall be dissolved on July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for which it was created. The state board of education may cause the termination of the transitional school district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary for the transitional district to be reestablished to accomplish the purposes established in this section. The state board of education shall provide notice to the governor and general assembly of the termination or reestablishment of the transitional school district and the termination or reestablishment shall become effective thirty days following such determination. Upon dissolution of a transitional school district pursuant to this section, nothing in this section shall be construed to reduce or eliminate any power or duty of any school district or districts containing the territory of the dissolved transitional school district unless such transitional school district is reestablished by the state board of education pursuant to this section."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Days offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 7, Section 115.078, Line 27 of said page, by striking the words "secretary of state"; and inserting in lieu thereof the following: "**election administration improvements authority**"; and

Further amend said bill and section, Page 8, Lines 1 and 2 of said page, by striking the words "secretary of state"; and inserting in lieu thereof the following: "**election administration improve-ments authority**"; and further amend Line 3 of said page, by striking the word "secretary"; and inserting in lieu thereof the following: "**election administration improvements authority**"; and

Further amend said bill and section, Page 9, Line 3 of said page, by striking the words "secretary of state"; and inserting in lieu thereof the following: "**election administration improve-ments authority**"; and further amend Line 8 of said page, by inserting after all of said line the following:

"3. There is hereby created the "Election Administration Improvements Authority", which shall constitute a body corporate and politic. The staff of the office of administration shall also serve as staff of the authority under the supervision of the commissioner of administration. The purposes of the authority is to fairly and equitably disburse the funds in the election administration improvements fund to the election authorities and counties in the state as the election administration improvements authority shall determine for the purpose of

election improvements. The authority shall not pledge the credit or taxing power of the state or any political subdivision of the state, or make its debts payable out of any moneys except those of the authority specifically pledged for their payment.

4. The powers of the election administration improvements authority are vested in and shall be exercised by a board consisting of nine members. All members of the commission shall be appointed by the governor with the advice and consent of the senate from lists submitted pursuant to this section. Each congressional district committee of the political parties having the two highest number of votes cast for their candidate for governor at the last gubernatorial election shall submit two names of eligible nominees for membership on the commission to the governor, and the governor shall select one member from each congressional district from such nominees to serve on the commission. Not more than five members shall be affiliated with the same political party. Except for initial members, all members shall be appointed for a term of four years. Initial members shall serve terms as follows: two members shall serve one-year terms; two members shall serve two-year terms; two members shall serve three-year terms; and three members shall serve four-year terms. Once the initial terms have been completed, all such initial members may be appointed to serve for an additional four-year term. Four members of the board constitute a quorum. The members shall elect a chairperson, vice chairperson, and secretary, annually, and other officers as the members determine necessary. Meetings of the board shall be held at the call of the chairperson or when a majority of the members so request. The members of the board shall not receive compensation by reason of their membership on the board.

5. The election administration improvements authority shall have the power to direct the disbursement of funds from election administration improvements fund to the extent necessary to carry out its purposes and duties and to exercise its specific powers to the extent necessary.

6. Disbursements from the election administration improvements fund shall be made pursuant to a resolution adopted by the affirmative vote of two-thirds of the members of the board and no other proceedings shall be required therefor."

Senator Days moved that the above amendment be adopted, which motion failed.

Senator Childers assumed the Chair.

Senator Caskey offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 62, Section 115.430, Line 11, by inserting after "**counted**": ", **except for federal office elections**".

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Yeckel, Griesheimer, Loudon and Mathewson.

SA 13 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Days
Dougherty	Goode	Jacob	Kennedy
Mathewson	Wheeler--10		
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel

Senator Loudon offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitue for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 66, Section 115.436, Line 12, by inserting after all of said line the following:

"115.637. The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by a fine of not more than two thousand five hundred dollars or by both such imprisonment and fine:

(1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample ballots that may be furnished by an organization or individual at or near any voting place on election day, except that this subdivision shall not be construed so as to interfere with the right of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate and substituting the name of the person for whom he intends to vote; or to dispose of the received sample ballot;

(2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;

(3) Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;

(4) On the part of any candidate for election to any office of honor, trust, or profit, offering or promising to discharge the duties of such office for a less sum than the salary, fees, or emoluments as fixed by law or promising to pay back or donate to any public or private interest any portion of such salary, fees, or emolument as an inducement to voters;

(5) On the part of any canvasser appointed to canvass any registration list, willfully failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to perform his duties in making such canvass or willfully neglecting any duties lawfully assigned to him;

(6) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination to, election to, or the holding of, political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

(7) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in any form other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;

(8) On the part of any election authority or official charged by law with the duty of distributing the printed ballots, or any person acting on his behalf, knowingly distributing or causing to be distributed any ballot in any manner other than that prescribed by law;

(9) Any person having in his possession any official ballot, except in the performance of his duty as an election

authority or official, or in the act of exercising his individual voting privilege;

(10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

(11) On the part of any election judge, willfully absenting himself from the polls on election day without good cause or willfully detaining any election material or equipment and not causing it to be produced at the voting place at the opening of the polls or within fifteen minutes thereafter;

(12) On the part of any election authority or official, willfully neglecting, refusing, or omitting to perform any duty required of him by law with respect to holding and conducting an election, receiving and counting out the ballots, or making proper returns;

(13) On the part of any election judge, or party watcher or challenger, furnishing any information tending in any way to show the state of the count to any other person prior to the closing of the polls;

(14) On the part of any voter, except as otherwise provided by law, allowing his ballot to be seen by any person with the intent of letting it be known how he is about to vote or has voted, or knowingly making a false statement as to his inability to mark his ballot;

(15) On the part of any election judge, disclosing to any person the name of any candidate for whom a voter has voted;

(16) Interfering, or attempting to interfere, with any voter inside a polling place;

(17) On the part of any person at any registration site, polling place, counting location or verification location, causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence whereby such registration, election, count or verification is impeded or interfered with;

(18) Exit polling, surveying, sampling, electioneering, distributing election literature, posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within twenty-five feet of the building's outer door closest to the polling place, or, on the part of any person, refusing to remove or permit removal from property owned or controlled by him, any such election sign or literature located within such distance on such day after request for removal by any person;

(19) Stealing or willfully defacing, mutilating, removing or destroying any campaign yard sign on private property, except that this subdivision shall not be construed to interfere with the right of any private property owner to take any action with regard to campaign yard signs on the owner's property and this subdivision shall not be construed to interfere with the right of any candidate, or the candidate's designee, to remove the candidate's campaign yard sign from the owner's private property after the election day."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 72, Section 116.190, Line 5, by inserting after said line the following:

"Section 1. Any ordinance setting forth the membership of an airport authority for any international airport owned by any city not within a county shall provide that such members shall be elected in a general election in the county or city not within a county that the member shall represent as a member of such authority."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Kennedy raised the point of order that **SA 15** is out of order, as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Caskey offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 62, Section 115.430, Lines 12-13, by striking "placed and sealed in" and "envelope".

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 16** was withdrawn.

Senator Yeckel moved that **SS** for **SCS** for **HS** for **HB 511**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS** for **SCS** for **HS** for **HB 511**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senator Jacob--1			
Absent--Senator Quick--1			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators			
Bland	Days	Jacob--3	
Absent--Senator Quick--1			
Absent with leave--Senators			

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Klindt moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 36**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

SB 458 was placed on the Informal Calendar.

SB 312, SB 49, SB 111, SB 113, SB 191, SB 206, SB 263, SB 404, SB 409, SB 418, SB 538, SB 550 and **SB 584**, with **SCS**, were placed on the Informal Calendar.

SB 485, with **SCS**, was placed on the Informal Calendar.

SB 346, with **SCS**, was placed on the Informal Calendar.

SB 531, with **SCS**, was placed on the Informal Calendar.

Senator Steelman moved that **SB 307**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 307**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 307

An Act to repeal section 208.565, RSMo, and to enact in lieu thereof one new section relating to the senior Rx program, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **SB 307** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 307** was declared perfected and ordered printed.

SB 434, with **SCS**, was placed on the Informal Calendar.

SB 449 was placed on the Informal Calendar.

Senator Gross moved that **SB 675**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 675**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 675

An Act to repeal sections 33.080, 166.300, and 374.150, RSMo, and to enact in lieu thereof three new sections relating to certain special funds, with penalty provisions and an emergency clause.

Was taken up.

Senator Gross moved that **SCS** for **SB 675** be adopted.

Senator Bland offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 675, Page 2, Section 33.080, Lines 45-46, by striking all of said lines; and further renumber the remaining subdivisions.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Kennedy offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 675, Page 7, Section 166.300, Line 99 of said page, by inserting after all of said line the following:

"339.105. 1. Each broker **who holds funds belonging to another** shall maintain **such funds in** a separate bank [checking] account in a financial institution[, either a bank, savings and loan association or a credit union in this state, or in an adjoining state with written permission of the commission,] which shall be designated an escrow or trust account [in which all money not his own coming into his possession, including]. **This requirement includes** funds in which he **or she** may have some future interest or claim[.]. **Such funds** shall be deposited promptly unless all parties having an interest in the funds have agreed otherwise in writing. No broker shall commingle his **or her** personal funds or other funds in this account with the exception that a broker may deposit and keep a sum not to exceed [five hundred] **one thousand** dollars in the account from his **or her** personal funds, which sum shall be specifically identified and deposited to cover service charges related to the account. [The commission may, by written waiver issued for good cause as defined by rule and regulation, relieve a broker from the obligation to maintain a separate escrow or trust account.]

2. [Before issuance of a broker license,] Each broker shall notify the commission of the name of **his or her intent not to maintain an escrow account, or the name of** the financial institution in which each escrow or trust account is maintained, the name and number of each such account, and shall file written authorization directed to each financial institution to allow the commission or its authorized representative to examine each such account; such notification and authorization shall be submitted on forms provided therefor by the commission [but shall not be required in any case where maintenance of an escrow or trust account has been waived pursuant to subsection 1 of this section]. A broker shall notify the commission within [fifteen] **ten business** days of any change of **his or her intent to maintain an escrow account, the** financial institution [or], account numbers, **or change in account status**.

3. In conjunction with each escrow or trust account a broker shall maintain [at his usual place of business,] books, records, contracts and other necessary documents so that the adequacy of said account may be determined at any time. The account and other records shall be [open] **provided** to [inspection by] the commission and its duly authorized agents **for inspection** at all times during regular business hours at the broker's usual place of business.

4. **Whenever the ownership of any escrow moneys received by a broker pursuant to this section is in dispute by the parties to a real estate sales transaction, the broker shall report and deliver the moneys to the state**

treasurer within three hundred sixty-five days of the date of the initial projected closing date in compliance with sections 447.500 to 447.595, RSMo. The parties to a real estate sales transaction may agree in writing that the funds are not in dispute and shall notify the broker who is holding the funds.

5. A broker shall not be entitled to any [part of the earnest] money or other money paid to him **or her** in connection with any real estate **sales** transaction as part or all of his **or her** commission or fee until the transaction has been consummated or terminated, unless agreed in writing by all parties to the transaction.

[5.] **6.** When, through investigations or otherwise, the commission has reasonable cause to believe that a licensee has acted, is acting or is about to act in violation of this section, the commission may, through the attorney general or any [of his] assistants designated by [him] **the attorney general**, proceed in the name of the commission to institute suit to enjoin any act or acts in violation of this section.

[6.] **7.** Any such suit shall be commenced in either the county in which the defendant resides or in the county in which the defendant has acted, is acting or is about to act in violation of this section.

[7.] **8.** In such proceeding, the court shall have power to issue such temporary restraining or injunction orders, without bond, which are necessary to protect the public interest. Any action brought under this section shall be in addition to and not in lieu of any other provisions of this chapter. In such action, the commission or the state need not allege or prove that there is no adequate remedy at law or that any individual has suffered any economic injury as a result of the activity sought to be enjoined."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **SB 675**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 675**, as amended, was declared perfected and ordered printed.

PRIVILEGED MOTIONS

Senator Childers moved that **SCS** for **SB 16**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 16**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 16

An Act to repeal section 137.721, RSMo, and to enact in lieu thereof one new section relating to the percentage of ad valorem property tax collections to be deposited in county assessment funds.

Was taken up.

Senator Childers moved that **HCS** for **SCS** for **SB 16** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross

Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Childers, **HCS** for **SCS** for **SB 16** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SCS** for **SB 61**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 61**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 61

An Act to repeal section 59.480, RSMo, and to enact in lieu thereof two new sections relating to restrictions on use of personal identifying information, with an effective date.

Was taken up.

Senator Caskey moved that **HCS** for **SCS** for **SB 61** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Caskey, **HCS** for **SCS** for **SB 61** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Childers moved that **SB 68**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 68**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 68

An Act to repeal sections 190.100 and 321.552, RSMo, and to enact in lieu thereof two new sections relating to sales tax for ambulance and fire protection districts.

Was taken up.

Senator Childers moved that **HCS** for **SB 68** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Childers, **HCS** for **SB 68** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SB 101**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 101**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 101

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to violations of county ordinances.

Was taken up.

Senator Caskey moved that **HCS** for **SB 101** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Loudon--1			
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Caskey, **HCS** for **SB 101** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Loudon--1			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Dolan moved that **SCS** for **SB 130**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 130**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 130

An Act to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri, with an emergency clause.

Was taken up.

Senator Dolan moved that **HCS** for **SCS** for **SB 130** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senator Mathewson--1

Absent with leave--Senators

Coleman DePasco--2

On motion of Senator Dolan, **HCS** for **SCS** for **SB 130** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

Coleman DePasco--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon

Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Kinder--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SS** for **SCS**, as amended, for **HCS** for **HB 600** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to recede from its position on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Goode moved that **SB 136**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 136**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 136

An Act to repeal sections 77.070, 115.127, and 162.301, RSMo, and to enact in lieu thereof three new sections relating to elections.

Was taken up.

Senator Shields assumed the Chair.

Senator Goode moved that **HCS** for **SB 136** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman

Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Goode, **HCS** for **SB 136** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Loudon moved that **SB 175**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 175**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 175

An Act to repeal sections 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, and 196.445, RSMo, and to enact in lieu thereof one new section relating to food recovery inspection and safety by the department of health and senior services.

Was taken up.

Senator Loudon moved that **HCS** for **SB 175** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross

Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--31	
	NAYS--Senators--None		
	Absent--Senator Yeckel--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Loudon, **HCS** for **SB 175** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Klindt--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 401**: Senators Dolan, Bartle, Nodler, Bray and Coleman.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended: Senators Shields, Vogel, Gross, Mathewson and Goode.

PRIVILEGED MOTIONS

Senator Bartle moved that **SCS** for **SBs 212** and **220**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SBs 212** and **220**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 212 and 220

An Act to repeal sections 43.080, 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.690, 86.720, and 86.745, RSMo, and to enact in lieu thereof eighteen new sections relating to law enforcement.

Was taken up.

Senator Bartle moved that **HCS** for **SCS** for **SBs 212 and 220**, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

Coleman DePasco--2

On motion of Senator Bartle, **HCS** for **SCS** for **SBs 212 and 220**, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

Coleman DePasco--2

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HB 1** and has taken up and passed **SCS** for **HS** for **HB 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 2** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 2**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 2**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 307**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

PRIVILEGED MOTIONS

Senator Goode moved that **SCS** for **SB 218**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 218**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 218

An Act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed by municipalities to repair lateral sewer service lines.

Was taken up.

Senator Bartle assumed the Chair.

Senator Goode moved that **HCS** for **SCS** for **SB 218** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Goode, **HCS** for **SCS** for **SB 218** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 3** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 4** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 5** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS** for **HS** for **HB 3**, as amended; **SCS** for **HS** for **HB 4**, as amended; and **SCS** for **HS** for **HB 5**, as amended, to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 3**, as amended; **SCS** for **HS** for **HB 4**, as amended; **SCS** for **HS** for **HB 5**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 3**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 4**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 5**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

PRIVILEGED MOTIONS

Senator Griesheimer moved that **SB 228**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 228**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 228

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof two new sections relating to the purpose of tourism.

Was taken up.

Senator Griesheimer moved that **HCS** for **SB 228** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle

Bland

Bray

Caskey

Cauthorn

Champion

Childers

Clemens

Days	Dolan	Dougherty	Foster
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Gibbons	Quick--2
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Absent with leave--Senators

Coleman	DePasco--2
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On motion of Senator Griesheimer, **HCS** for **SB 228** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senator Gibbons--1

Absent with leave--Senators

Coleman	DePasco--2
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The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that **SB 266**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 266**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 266

An Act to amend chapter 633, RSMo, by adding thereto two new sections relating to services for persons with developmental disabilities.

Was taken up.

Senator Shields moved that **HCS** for **SB 266** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Gibbons	Mathewson--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Shields, **HCS** for **SB 266** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended, for **HS** for **HCS** for **HBs 349, 120, 136 and 328** and has taken up and passed **SS** for **HS** for **HCS** for **HBs 349, 120, 136 and 328**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

adopted **HCR 3.**

HOUSE CONCURRENT RESOLUTION NO. 3

WHEREAS, a permanent electronic identification device to track all red meat-producing livestock from farm to table would be a great protective device for anti-bioterrorism; and

WHEREAS, such devices would be useful to the producers of red meat-producing livestock in controlling diseases as a method of tracing such livestock back to the farm; and

WHEREAS, such devices would be beneficial in providing producers with livestock carcass information, including the rate of gain; and

WHEREAS, such devices would be most useful in generating information on the concept of "farm to table" to protect American consumers:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby encourage the Animal and Plant Inspection Service of the United States Department of Agriculture to develop and promulgate a permanent electronic identification program to be used on all red meat-producing livestock that would gather information and help protect the United States' consumer in the event of a bioterrorist threat; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the United States Department of Agriculture.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 5.**

HOUSE CONCURRENT RESOLUTION NO. 5

WHEREAS, the Missouri Department of Agriculture has expressed a strong need for a biosafety level 3 lab to be housed on the veterinary school campus at the University of Missouri-Columbia;

WHEREAS, a biosafety level 3 lab would bridge gaps within the University and the University and the Department of Agriculture, the Department of Conservation, and the Department of Health and Senior Services in protecting the environment from agents that are a potential threat to plants and animals, but not to humans; and

WHEREAS, the Missouri Farm Bureau, the Missouri Veterinary Medical Association, the Governor's Chronic Wasting Disease Task Force, and the Missouri Livestock and Poultry Health Council have all expressed support of the establishment of a biosafety level 3 lab in the State of Missouri; and

WHEREAS, the establishment of a biosafety level 3 lab is of critical importance to the Department of Conservation because of the threat chronic wasting disease poses for Missouri deer and elk herds. Since there currently is no biosafety level 3 lab in the state, the 6,000 samples taken during the most recent deer season in Missouri are being sent to other laboratories across the country, which will most likely result in delays of several months in receiving test results; and

WHEREAS, the establishment of a biosafety level 3 lab in the State of Missouri will provide the necessary infrastructure to assist infectious disease specialists and researchers who work with highly infectious pathogens to do so in a safe and controlled environment:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby encourage and recommend the establishment of a biosafety level 3 lab on the veterinary school campus of the University of Missouri-Columbia; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for University of Missouri-Columbia Veterinary School, the Director of the Department of Agriculture, the Department of Conservation, and the Director of the Department of Health and Senior Services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 6** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HB 7** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 8** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS** for **HS** for **HB 6**, as amended; **SCS** for **HS** for **HB 7**; and **SCS** for **HS** for **HB 8**, as amended, to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 6**, as amended; **SCS** for **HS** for **HB 7**; **SCS** for **HS** for **HB 8**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 6**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 7**: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 8**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

REFERRALS

President Pro Tem Kinder referred **HCR 32** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 675**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 873, regarding Procter Elementary School, Independence, which was

adopted.

Senator Bartle offered Senate Resolution No. 874, regarding Bryant Elementary School, Independence, which was adopted.

Senator Gross offered Senate Resolution No. 875, regarding Cynthia Crowsers, St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Rachel Mays and Julie Farnen, Jefferson City.

Senator Childers introduced to the Senate, Regina Pry, and her children, Brady and Emily, Cassville; and Brady and Emily were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SEVENTH DAY-TUESDAY, MAY 6, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)

SB 305-Jacob and Steelman

SCS for SB 307-Steelman

HOUSE BILLS ON THIRD READING

1. HCS for HB 288, with SCS (Shields)

2. HS for HCS for HBs 517, 94,
149, 150 & 342-Portwood,
with SCS (Gross)

3. HS for HB 668-Crawford,
with SCS (Dolan)

4. HS for HB 470-Mayer,
with SCS (Bartle)

5. HB 198-Stevenson, et al
(Nodler)

6. HS for HB 197-Johnson (47),
with SCS (Shields)
(In Fiscal Oversight)

7. HS for HCS for HB 564-
Behnen, with SCS (Yeckel)

8. HS for HCS for HB 228-
Pearce, with SCS (Goode)

9. HB 598-Schlottach, et al,
with SCS (Dolan)

10. HB 327-Lipke, with SCS (Dolan)

11. HCS for HB 185, with SCS
(Gross)

12. HB 91-Mayer, with SCS
(Steelman)

13. HS for HCS for HBs 679 &
396-Hanaway (Shields)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)
SB 24-Steelman, with SCS
& SS for SCS (pending)
SB 27-Gibbons, with SCS
SB 33-Loudon and Scott,
with SS (pending)
SB 51-Shields, with SS,
SS for SS & SA 1 (pending)
SB 112-Loudon, with SCS
SBs 125 & 290-Goode, with
SCS & SA 6 (pending)
SB 209-Steelman, et al, with SCS
SB 217-Champion and Clemens,
with SS (pending)
SB 241-Yeckel, with SCS

SBs 248, 100, 118, 233, 247, 341
& 420-Gross, et al, with SCS &
SS for SCS (pending)
SB 253-Steelman, et al, with SCS,
SS for SCS & SA 1 (pending)
SB 300-Cauthorn, et al, with SCS
SBs 312, 49, 111, 113, 191, 206,
263, 404, 409, 418, 538, 550 &
584-Dolan, et al, with SCS
SBs 343, 89, 134, 171, 240, 261,
331, 368, 369, 419, 484 & 581-
Dolan, with SCS

SB 346-Yeckel, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,
with SCS & SS for SCS (pending)

SBs 415, 88, 200, 223, 413, 523,
589 & 626-Yeckel, with SCS

SB 416-Yeckel, with SCS

SB 434-Yeckel, with SCS

SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)

SB 446-Bartle, with SCS

SB 449-Bartle

SB 450-Mathewson, et al, with
SCS, SS for SCS & SA 2

(pending)

SB 455-Dougherty and Shields

SB 458-Childers

SB 460-Loudon, with SS &

SA 1 (pending)

SB 476-Jacob

SB 485-Shields, with SCS

SB 531-Childers, with SCS

SB 564-Gross

SB 685-Gibbons, et al, with SCS

SB 693-Klindt, et al, with SCS

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)

HCS for HB 144, with SCS

(Vogel)

HB 208-Engler, et al, with SCS

(Kinder)

HS for HCS for HB 257-

Munzlinger, with SCS

(Cauthorn)

HB 286-Bearden, with SCS

(Shields)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HCS for HBs 346 & 174,
with SCS (Foster)
HB 412-Goodman, et al (Childers)
HB 444-Jackson, with SCS
(Yeckel)
HB 445-Portwood, et al,
with SCS (Loudon)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 307-Merideth and
Shoemaker (Foster)

HB 505-Byrd and Villa,
with SCS (Mathewson)
Reported 4/15

HCS for HB 613, with SCS (Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 275-Russell, with HCS

SCS for SB 281-Shields,
with HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 295-Shields, with HCS

SCS for SB 296-Griesheimer, with

HS for HCS, as amended

SS for SCS for SB 298-

Griesheimer, with HCS, as amended

SB 301-Bray, with HCS

SB 325-Steelman, with HCS

SB 355-Stoll, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 373-Bartle, with HCS

SB 399-Caskey, with HCS

SB 423-Childers, with HCA 1

SCS for SB 447-Bartle, with HCA 1

SB 465-Bartle, with HCS

SB 468-Bartle, with HCA 1

SB 470-Bartle, with HCS

SB 474-Bartle, with HCS

SB 504-Clemens and Champion,
with HCS

SCS for SB 547-Caskey, with HCS

SCS for SB 592-Foster, with HCS

SCS for SB 666-Bland, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 52-Shields, with HCS

SCS for SBs 299 & 40-Champion,

et al, with HS, as amended

SB 394-Bartle, with HCS,

as amended

SB 401-Dolan, et al, with HCS

SB 407-Klindt, with HCS

SB 448-Bartle, with HCS

SB 552-Yeckel, with HCS

HS for HB 2-Bearden, with

SCS, as amended (Russell)

HS for HB 3-Bearden, with

SCS, as amended (Russell)

HS for HB 4-Bearden, with

SCS, as amended (Russell)

HS for HB 5-Bearden, with

SCS, as amended (Russell)

HS for HB 6-Bearden, with

SCS, as amended (Russell)

HS for HB 7-Bearden, with

SCS (Russell)

HS for HB 8-Bearden, with

SCS, as amended (Russell)

HCS for HB 600, with SS for SS

for SCS, as amended (Shields)

Requests to Recede or Grant Conference

SS for SCS for SB 36-Klindt,

with HCS, as amended

(Senate requests House
recede or grant conference)
SB 186-Cauthorn, with HCS
(Senate requests House
recede or grant conference)

SCS for SB 379-Champion, with HCS
(Senate requests House
recede or grant conference)
HCS for HB 427, with SCS
(Bartle)
(House requests Senate
recede or grant conference)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

HCR 3-Townley

HCR 5-Townley

Reported from Committee

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al

SCR 18-Mathewson and
Steelman

HCR 11-Moore and Walton

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY--TUESDAY, MAY 6, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

Reverend Carl Gauck offered the following prayer:

"The evil men have fallen, there they lie, beaten down, never to stand again." (Psalm 36:12)

Merciful God, we hear the war has ended and that an evil regime has been destroyed and for that we give You thanks. We pray that our troops will be safe and peace and order will be established in Iraq. We pray that peace loving people of our world will be able to find ways to unite those who have known only fear and hostility for others. We pray that each of us may contribute to this effort starting with our own interactions with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, the Associated Press, KOMU-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
Absent with leave--Senators			
Coleman	DePasco--2		

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 876, regarding Corrections Officer I Ronald Hamby, Edgar Springs, which was adopted.

Senator Steelman offered Senate Resolution No. 877, regarding Corrections Supervisor I Walter Foster, Waynesville, which was adopted.

Senator Days offered Senate Resolution No. 878, regarding KJLU-FM, Jefferson City, which was adopted.

Senator Nodler offered Senate Resolution No. 879, regarding Columbia Elementary School, Joplin, which was adopted.

Senator Loudon offered Senate Resolution No. 880, regarding Stacey Jones, Webster Groves, which was adopted.

Senator Loudon offered Senate Resolution No. 881, regarding Steve Klawiter, which was adopted.

Senator Loudon offered Senate Resolution No. 882, regarding Amy Orr, O'Fallon, which was adopted.

Senator Loudon offered Senate Resolution No. 883, regarding Pond Elementary School, Wildwood, which was adopted.

Senator Loudon offered Senate Resolution No. 884, regarding Wild Horse Elementary School, which was adopted.

Senator Loudon offered Senate Resolution No. 885, regarding Commons Lane Elementary School, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended. Representatives: Cooper (120), Sutherland, Icet, Hilgemann and Wilson (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 2**, as amended. Representatives: Bearden, Lager, Fares, Wilson (42) and Graham.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 3**, as amended. Representatives: Bearden, Lager, Fares, Harris (23) and Fraser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 4**, as amended. Representatives: Bearden, Lager, Roark, Merideth and Jones.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 5**, as amended. Representatives: Bearden, Lager, Roark, Villa and Walton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 6**, as amended. Representatives: Bearden, Lager, Quinn, Whorton and Shoemyer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 7**. Representatives: Bearden, Lager, Black, Boykins and Lowe.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 8**, as amended. Representatives: Bearden, Lager, Moore, Barnitz and Wildberger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 9** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 10** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 11** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 12** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS** for **HS** for **HB 9**, as amended; **SCS** for **HS** for **HB 10**, as amended; **SCS** for **HS** for **HB 11**, as amended; and **SCS** for **HS** for **HB 12**, as amended, to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 9**, as amended; **SCS** for **HS** for **HB 10**, as amended; **SCS** for **HS** for **HB 11**, as amended; and **SCS** for **HS** for **HB 12**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 9**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 10**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 11**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 12**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 307** and **SCS** for **SB 675** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred **HCR 3** and **HCR 5** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 248, SB 100, SB 118, SB 233, SB 247, SB 341** and **SB 420**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420** was again taken up.

At the request of Senator Gross, **SS** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420** was withdrawn.

Senator Gross offered **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 248, 100, 118, 233,

247, 341 and 420

An Act to repeal sections 84.140, 86.690, 104.010, 104.040, 104.271, 104.370, 104.1003, 104.1024, 169.030, 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, 169.670, 169.712, and 287.845, RSMo, and to enact in lieu thereof thirty new sections relating to the retirement systems and benefits, with penalty provisions and an emergency clause for certain sections.

Senator Gross moved that **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341 and 420, Page 99, Section 287.845, Lines 5-8, by deleting all of said lines and inserting in lieu thereof the following:

"3. Notwithstanding any other provision of law to the contrary, nothing contained in this act shall alter or revise the administrative law judge's and legal advisor's retirement system as previously established by law."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341 and 420, Page 65, Section 169.331, Line 18, by inserting after all of said line, the following:

"169.560. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity in a district included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of [five] **seven** hundred fifty hours in any one school year, and through such employment may earn up to [fifty] **sixty-five** percent of the annual compensation payable under the employing district's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employing school district does not utilize a salary schedule, or if the position in question is not subject to the employing district's salary schedule, a retiree employed in accordance with the provisions of this section may earn up to [fifty] **sixty-five** percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed [fifty] **sixty-five** percent of the annual compensation payable for the position in the employing school district that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the [fifty-percent] **sixty-five-percent** limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the nonteacher school employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such a district on a regular, full-time basis, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed and shall contribute to the retirement system."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341 and 420, Page 26, Section 104.370, Line 23 of said page, by inserting immediately after said line the following:

"104.374. 1. The normal annuity of a member, other than a member of the general assembly or a member who served in an elective state office, shall be an amount equal to one and six-tenths percent of the average compensation of the member multiplied by the number of years of creditable service of the member. Years of membership service and twelfths of a year are to be used in calculating any annuity. Absences taken by an employee without compensation for sickness and injury of the employee of less than twelve months or for leave taken by an employee without compensation pursuant to the provisions of the Family and Medical Leave Act of 1993 shall be counted as years of creditable service.

2. In addition to the amount determined pursuant to subsection 1 of this section, the normal annuity of a uniformed member of the water patrol shall be increased by thirty-three and one-third percent of the benefit.

3. In addition to the amount determined pursuant to subsection 1 of this section, the normal annuity of a uniformed conservation agent shall be increased by thirty-three and one-third percent of the benefit. Any additional actuarial liability for the provision of benefits pursuant to this subsection shall be paid from the funds of the department of conservation.

4. Employees who are fully vested at the age of sixty-five years and who continue to be employed by an agency covered under the system or members of the general assembly who serve in the general assembly after the age of sixty-five years shall have added to their normal annuity when they retire or die an amount equal to the total of all annual cost-of-living increases that the retired members of the system received during the years between when the

employee or member of the general assembly reached sixty-five years of age and the year that the employee or member of the general assembly terminated employment or died. In no event shall the total increase in compensation granted under this subsection and subsection 2 of section 104.612 exceed sixty-five percent of the person's normal annuity calculated at the time of retirement or death.

104.610. 1. Any person, who is receiving or hereafter may receive state retirement benefits from the Missouri state employees' retirement system other than a person with twelve or more years of service in statewide state elective office receiving benefits pursuant to the provisions of section 104.371, a legislators' retirement system, or the highways and transportation employees' and highway patrol retirement system, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the state retirement benefits the person would be receiving currently if the person had benefited from changes in the law effecting increases in the rate in the formula for calculating benefits in his or her respective retirement system, for his or her type of employment or for those persons having accrued thirty-five or more years of creditable service, changes in the law pertaining to the age and service requirements for a normal annuity in his or her respective retirement system, made subsequent to the date of his or her retirement; except that in calculating such benefits the meaning of "average compensation" shall be that ascribed to it by the law in effect on the date on which the benefits pursuant to this section are calculated.

2. In lieu of any other benefits pursuant to the provisions of this section, any member of the Missouri state employees' retirement system who has or may hereafter retire pursuant to the provisions of section 104.371, pertaining to those members who have held statewide state elective office for at least twelve years, may apply pursuant to this section to be employed as a special consultant and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received initially on his or her retirement, shall be equal to the state retirement benefits the person would be receiving if the person had benefited from changes in the law affecting increases in compensation for statewide state elective offices, pursuant to house substitute for senate bill no. 528, second regular session of the eighty-second general assembly, any other provisions of the law to the contrary notwithstanding.

3. This compensation shall be consolidated with any other retirement benefits payable to the person, and shall be funded as provided in section 104.436.

4. This compensation shall be treated as any other state retirement benefits payable by the Missouri state employees' retirement system or the highways and transportation employees' and highway patrol retirement system are treated and shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, anything to the contrary notwithstanding.

5. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.

6. In order to determine the total monthly state retirement compensation due each retiree who is eligible for the additional amount provided for in subsection 1 of this section, the following formula shall be used:

(1) The retiree's base monthly retirement compensation shall be determined by dividing the sum of the retiree's annual normal annuity as of the effective date of any increase in the rate in the formula for calculating benefits in his or her respective retirement system plus any annual increases granted such retiree as a result of his or her being a consultant, by twelve;

(2) The amount determined pursuant to subdivision (1) of this subsection shall be increased by an amount equal to the base monthly retirement compensation calculated pursuant to subdivision (1) of this subsection multiplied by the percentage increase in the rate in the formula;

(3) The sum obtained from completing the calculations contained in subdivisions (1) and (2) of this subsection shall be the retiree's new total monthly state retirement compensation. Any retiree who is eligible for the benefit provided in subsection 1 of this section whose benefit pursuant to subsection 1 of this section was not calculated in accordance with the procedure provided in this subsection shall have his or her total monthly retirement compensation for all months beginning on or after September 28, 1985, recalculated in accordance with this subsection.

7. The provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining provisions of this section are valid unless the court finds that such valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

8. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be eligible to elect to receive a retirement annuity pursuant to the year 2000 plan as provided in this chapter.

9. Any person who is receiving or hereafter may receive retirement benefits pursuant to section 104.374, and would qualify for a benefit pursuant to subsection 3 of section 104.374 if such person were an active employee, such person shall, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed, and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the retirement benefits the person would be receiving currently if the person had benefited from changes in the law effecting increases pursuant to subsection 3 of section 104.374.

10. Effective August 28, 2000, any person otherwise eligible for survivor benefits due to the death of a member prior to retirement, who was married less than two years to the member at the time of the member's death, shall, upon application to the board, be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant pursuant to the provisions of this subsection, the person shall begin to receive a survivor benefit in a monthly amount equal to what the system would have paid the person had the person been eligible for such survivor benefit upon the death of the member. Such benefit shall commence the first of the month following receipt by the system of an application from such person, but not earlier than September 1, 2000. In no event shall any retroactive benefits be paid."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion failed.

Senator Stoll offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341 and 420, Page 22, Section 104.040, Line 11 of said page, by inserting immediately after said line the following:

"104.110. 1. Any employee, regardless of the length of time of creditable service, who is affirmatively found by the board to be wholly incapable of performing the duties of the employee's or any other position in the employee's department for which the employee is suited, shall be entitled to receive disability benefits. The disability benefit provided by this subsection shall equal one and six-tenths percent of the employee's average compensation multiplied

by the number of years of creditable service of the member. **Effective September 1, 2003, no employee is eligible for or shall request or apply for the disability benefit provided pursuant to this subsection.**

2. Any uniformed member of the highway patrol, highway patrol employee or department of transportation employee, regardless of the length of time of creditable service, who is found by the board to be disabled as a result of injuries incurred in the performance of the employee's duties, shall be entitled to receive an initial disability benefit in an amount equal to seventy percent of the compensation that the employee was receiving on the date preceding the date of disability; provided, however, that the amount of the disability benefit, plus any primary Social Security disability benefits received by such member shall not exceed ninety percent of the monthly compensation such member was receiving on the date preceding the date of disability.

3. Any disability benefits payable pursuant to this section shall be decreased by any amount paid to such member for periodic disability benefits by reason of the workers' compensation laws of this state. After termination of payment under workers' compensation, however, disability benefits shall be paid in the amount required by subsections 1, 2, 7, and 9 of this section.

4. The board of trustees may require a medical examination of a disabled member at any time by a designated physician, and benefits shall be discontinued if the board finds that such member is able to perform the duties of the member's former position or if such member refuses to submit to a medical examination. Any employee who applies for disability benefits provided pursuant to this section shall provide medical certification acceptable to the board which shall include the date the disability commenced and the expected duration of the disability.

5. Any employee who applies for disability benefits pursuant to subsections 2 and 7 of this section shall provide proof of application for Social Security disability benefits. If Social Security disability benefits are denied, the employee shall also provide proof that the employee has requested reconsideration, and upon denial of the reconsideration, that an appeal process is prosecuted.

6. The disability benefits provided in this section shall not be paid to any member who retains or regains earning capacity as determined by the board. If a member who has been receiving disability benefits again becomes an employee, the member's disability benefits shall be discontinued.

7. The board shall also provide or contract for long-term disability benefits for those members whose disability exists or is diagnosed as being of such nature as to exist for more than one year. The benefits provided or contracted for pursuant to this subsection shall be in lieu of any other benefit provided in this section. The eligibility requirements, benefit period and amount of the disability benefits provided pursuant to this subsection shall be established by the board.

8. Definitions of disability and other rules and procedures necessary for administration of the disability benefits provided pursuant to this section shall be established by the board.

9. Any member receiving disability benefits pursuant to subsections 1 and 2 of this section shall receive the same cost-of-living increases as granted to retired members pursuant to section [104.130] **104.103**.

10. The state highways and transportation commission shall contribute the same amount as provided for all state employees for any person receiving disability benefits pursuant to subsection 2 of this section for medical insurance provided pursuant to section 104.270.

11. Any member who qualified for disability benefits pursuant to subsection 2 or subsection 7 of this section shall continue to accrue normal annuity benefits based on the member's rate of pay immediately prior to the date the member became disabled in accordance with sections 104.090 and 104.615 as in effect on the earlier of the date the member reaches normal retirement age or the date normal annuity payments commence.

12. A member who continues to be disabled as provided in subsection 2 or subsection 7 of this section shall continue to accrue creditable service until the member reaches normal retirement age. The maximum benefits period for benefits pursuant to subsections 2 and 7 of this section shall be established by the board. A member who is eligible to retire

and does retire while receiving disability benefits pursuant to subsections 2 and 7 of this section shall receive the greater of the normal annuity or the minimum annuity determined pursuant to sections 104.090 and 104.615, as if the member had continued in the active employ of the employer until the member's normal retirement age and the member's compensation for such period had been the member's rate of pay immediately preceding the date the member became disabled.

13. Any member who was receiving disability benefits from the board prior to August 28, 1997, or any member who has submitted an application for disability benefits before August 28, 1997, and would have been eligible to receive benefits pursuant to the eligibility requirements which were applicable at the time of application shall be eligible to receive or shall continue to receive benefits in accordance with such prior eligibility requirements until the member again becomes an employee.

14. Any member receiving disability benefits pursuant to subsection 1, subsection 2 or subsection 7 of this section shall be eligible to receive death benefits pursuant to the provisions of subsection 1 of section 104.140. The death benefits provided pursuant to this subsection shall be in lieu of the death benefits available to the member pursuant to subsection 2 of section 104.140.

15. The board is authorized to contract for **benefits in lieu of** the benefits provided pursuant to [subsections 1 and 2 of] this section.

16. To the extent that the board enters or has entered into any contract with any insurer or service organization to provide the disability benefits provided for pursuant to this section:

(1) The obligation to provide such disability benefits shall be primarily that of the insurer or service organization and secondarily that of the board;

(2) Any employee who has been denied disability benefits by the insurer or service organization and has exhausted all appeal procedures provided by the insurer or service organization may appeal such decision by filing a petition against the insurer or service organization in a court of law in the employee's county of residence;

(3) The board and the system shall not be liable for the disability benefits provided for by an insurer or service organization pursuant to this section and shall not be subject to any cause of action with regard to disability benefits or the denial of disability benefits by the insurer or service organization unless the employee has obtained judgment against the insurer or service organization for disability benefits and the insurer or service organization is unable to satisfy that judgment.

17. An employee may elect to waive the receipt of any disability benefit provided for pursuant to this section at any time."; and

Further amend said bill, page 26, Section 104.271, line 23 of said page, by inserting immediately after said line the following:

"104.806. 1. Employees who are earning creditable service in the closed plan of the Missouri state employees' retirement system and who are transferred to the department of transportation as a result of the provisions of executive order 03-05, will not become members of the closed plan of the highways and transportation employees' and highway patrol retirement system unless they elect to transfer membership and creditable service to the closed plan of the highways and transportation employees' and highway patrol retirement system. The election must be in writing and must be made within ninety days of July 1, 2003. Any election to transfer membership and creditable service to the highways and transportation employees' and highway patrol retirement system shall result in the forfeiture of any rights or benefits in the Missouri state employees' retirement system. Any failure to elect to transfer membership and creditable service pursuant to this subsection will result in the employees remaining in the closed plan of the Missouri state employees' retirement system. If an election is made, the effective date for commencement of membership and transfer of such creditable service shall be January 1, 2004.

2. Employees who are earning credited service in the year 2000 plan of the Missouri state employees' retirement system and who are transferred to the department of transportation as a result of the provisions of executive order 03-05 will remain in the year 2000 plan administered by the Missouri state employees' retirement system unless they elect to transfer membership and credited service to the year 2000 plan administered by the highways and transportation employees' and highway patrol retirement system. The election must be in writing and must be made within ninety days of July 1, 2003. Any election to transfer membership and credited service to the year 2000 plan administered by the highways and transportation employees' and highway patrol retirement system shall result in the forfeiture of any rights or benefits in the Missouri state employees' retirement system. Any failure to elect to transfer membership and credited service pursuant to this subsection will result in the employees remaining in the year 2000 plan administered by the Missouri state employees' retirement system. If an election is made, the effective date for commencement of membership and transfer of such creditable service shall be January 1, 2004.

3. For any employee who elects pursuant to subsection 1 or 2 of this section to transfer to the highways and transportation employees' and highway patrol retirement system, the Missouri state employees' retirement system shall pay to the highways and transportation employees' and highway patrol retirement system, by December 31, 2003, an amount actuarially determined to equal the liability at the time of the transfer to the extent that liability is funded as of the most recent actuarial valuation, not to exceed one hundred percent.

4. In no event shall any employee receive service credit for the same period of service under more than one retirement system as a result of the provisions of this section.

5. For any transferred employee who elects pursuant to subsection 1 or 2 of this section to transfer to the highways and transportation employees' and highway patrol retirement system, the only medical coverage available for the employee shall be the medical coverage provided in section 104.270. The effective date for commencement of medical coverage shall be January 1, 2004. However, this does not preclude medical coverage for the transferred employee as a dependent under any other health care plan."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341 and 420, Page 99, Section 287.845, Line 8, by inserting after all of said line the following:

"Section 1. 1. In each tax year beginning on or after January 1, 2003, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the workers memorial fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation which is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the workers memorial fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the workers memorial fund, the individual or corporation wishes to contribute and the department of revenue shall forward such amount to the state treasurer for deposit to the workers memorial fund as provided in subsection 2 of this section.

2. The director of revenue shall transfer at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the workers memorial fund.

3. The director of revenue shall transfer at least monthly all contributions designated by corporations under this section, less an amount sufficient to cover the cost of collection and handling by the department of revenue, to the state treasurer for deposit to the workers memorial fund.

4. A contribution designated under this section shall only be transferred and deposited in the workers memorial fund after all other claims against the refund from which such contribution is to be made have been satisfied.";
and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HCS for **HB 73**, entitled:

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof thirteen new sections relating to higher education savings programs.

Was called from the Informal Calendar and taken up by Senator Yeckel.

Senator Yeckel offered **SS** for **HCS** for **HB 73**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 73

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof thirteen new sections relating to higher education savings programs.

Senator Yeckel moved that **SS** for **HCS** for **HB 73** be adopted.

At the request of Senator Yeckel, **HCS** for **HB 73**, with **SS** (pending), was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 346**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 346**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 346

An Act to repeal sections 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 369.159, 400.1-103, 400.3-102, 400.4-102, 400.9-626, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.557, 408.653, and 408.654, RSMo, and to enact in lieu thereof twenty-two new

sections relating to banking, with penalty provisions.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 346** be adopted.

Senator Yeckel offered **SS** for **SCS** for **SB 346**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 346

An Act to repeal sections 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 369.159, 400.9-525, 407.433, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.653, 408.654, and 447.510, RSMo, and to enact in lieu thereof twenty-three new sections relating to banking, with an effective date for a certain section and penalty provisions.

Senator Yeckel moved that **SS** for **SCS** for **SB 346** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 346, Page 51, Section 447.510, Line 18, by inserting after the end of said line the following:

"Section 1. Any bank account of the state with a value of ten thousand dollars or more shall be obtained through open and competitive bids."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SS** for **SCS** for **SB 346**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS** for **SCS** for **SB 346**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 886

WHEREAS, Audrey Ferguson, a math teacher at Laclede Elementary School in St. Louis, Missouri, has been chosen as the 2002-2003 Missouri Teacher of the Year, a most impressive accolade that will be presented to her by the Missouri Board of Education during a banquet on October 24, 2003, in Jefferson City; and

WHEREAS, the first teacher from the St. Louis Public School District to win the state award in its fifty-year history, Audrey Ferguson will represent Missouri in the annual National Teacher of the Year program; and

WHEREAS, now in her thirty-third year of teaching, Audrey Ferguson enjoys distinction as Coordinator of all Title I instruction at Laclede Elementary School; and

WHEREAS, Audrey Ferguson also serves as Coordinator of Parent and Community Partnership Programs who has written proposals for several

community partnerships such as the Laclede Book Buddy Program and the Laclede Parent Partners Program; and

WHEREAS, Audrey Ferguson helps with fundraisers for the Annie Malone Children's Home and volunteers annually for the United Negro College Fund Walk and with the INROADS Parent Support Group, a nationwide organization that works with high school and college students and corporate sponsors to place talented minority students in internships; and

WHEREAS, a Sunday school teacher for twenty-three years, Audrey Ferguson earned a Bachelor's degree in education at Harris-Stowe Teachers College and a Master's degree in special education and reading at Webster University:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, unanimously join the entire St. Louis Public School District in extending our most hearty congratulations to Audrey Ferguson upon her well-deserved selection as Missouri Teacher of the Year and in wishing her much success as she continues educating and inspiring our young leaders of tomorrow by making learning an enjoyable and meaningful experience; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Missouri Teacher of the Year Audrey Ferguson, as a measure of our esteem for her.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 9**, as amended.
Representatives: Bearden, Lager, Moore, Kelly (36) and Ward.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 10**, as amended.
Representatives: Bearden, Lager, Purgason, Wilson (25) and Johnson (61).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 11**, as amended.
Representatives: Bearden, Lager, Purgason, Campbell and Brooks.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 12**, as amended.
Representatives: Bearden, Lager, Roark, Donnelly and Bringer.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

Senator Russell requested unanimous consent of the Senate to suspend the rules to allow the Appropriations Committee to meet while the Senate is in session, which request was granted.

PRIVILEGED MOTIONS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS No. 2** for **SB 52**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 52

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 52 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 52;
2. That the Senate recede from its position on Senate Committee Substitute No. 2 for Senate Bill No. 52;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 52, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charlie Shields
/s/ Doyle Childers
/s/ Bill Foster
/s/ Maida J. Coleman
/s/ Joan Bray

FOR THE HOUSE:

/s/ Kathlyn Fares
/s/ Shannon Cooper
/s/ Robert J. Behnen
/s/ Clint Zweifel
/s/ Barbara Fraser

Senator Shields moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Bland	Dolan	Dougherty	Quick--4
	Absent with leave--Senators		
Coleman	DePasco	Scott--3	

On motion of Senator Shields, **CCS** for **HCS** for **SCS No. 2** for **SB 52**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 52

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to the taxation of nonresident professional athletes and entertainers.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Foster	Gibbons	Goode	Griesheimer
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Bland	Dolan	Dougherty	Gross
Quick--5			
Absent with leave--Senators			
Coleman	DePasco	Scott--3	

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 288**, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HBs 517, 94, 149, 150** and **342**, with **SCS**, was placed on the Informal Calendar.

HS for **HB 668**, with **SCS**, entitled:

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof twelve new sections relating to the transportation accountability act, with an expiration date for certain sections.

Was taken up by Senator Dolan.

SCS for **HS** for **HB 668**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 668

An Act to repeal sections 21,795, 226.030, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, and

643.315, RSMo, section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate bill no. 19, ninetieth general assembly, first regular session, and sections 307.366 and 643.315 as truly agreed to and finally passed by senate bill no. 54, ninety-second general assembly, first regular session, and to enact in lieu thereof thirteen new sections relating to transportation accountability measures, with penalty provisions.

Was taken up.

Senator Dolan moved that **SCS** for **HS** for **HB 668** be adopted.

Senator Dolan offered **SS** for **SCS** for **HS** for **HB 668**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 668

An Act to repeal sections 21.795, 226.030, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, and 238.236, RSMo and to enact in lieu thereof eleven new sections relating to transportation accountability measures.

Senator Dolan moved that **SS** for **SCS** for **HS** for **HB 668** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 668, Page 2, Section 21.795, Line 9, by inserting immediately after the word "committees." the following: "**Minority members of the committee shall be appointed by the minority floor leader of each respective chamber.**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 668, Page 10, Section 226.033, Lines 28-29, by striking all of said lines; and further amend said bill, page 11, section 226.033, lines 1-18, by striking all of said lines; and further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 668, Page 40, Section 238.236, Line 2, by inserting after all of said line the following:

"388.465. Every railroad corporation owning or operating a railroad which traverses through a city of the fourth classification with more than seven thousand five hundred but fewer than seven thousand six hundred eighty inhabitants and located in any county with a charter form of government and with more than one million

inhabitants shall establish a suitable stopping place, depot, or union station within such city to accommodate the boarding and unboarding of passengers."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 3** is out of order, as it is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Griesheimer, **SA 3** was withdrawn, rendering the point of order moot.

Senator Dolan offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 668, Page 13, Section 226.096, Line 2, by inserting immediately thereafter the following:

"4. The provisions of this section shall expire August 28, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted.

President Pro Tem Kinder assumed the Chair.

At the request of Senator Dolan, **HS** for **HB 668**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 5:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Childers.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341 and 420**; and **SS** for **SCS** for **SB 346**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HS** for **HB 197**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No.1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 197, Page 47, Section 135.827, Line 53, by striking the numeral "2003" and inserting in lieu thereof the numeral "**2004**".

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HS** for **HCS** for **HBs 679** and **396**; **SCS** for **SB 307** and **SCS** for **SB 675**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 521**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto six new sections relating to contracts for public works.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 186** and requests the Senate take up and adopt **HCS** for **SB 186** and take up and pass **HCS** for **SB 186**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 379** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 36**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HCS** for **HB 289** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the differences for the purpose of adding language to provide natural disaster relief.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 379**. Representatives: Wright, Morris, Dixon, George and Salva.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 36**, as amended. Representatives: Myers, Wood, Townley, Shoemyer and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HS** for **HB 511** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 655**, entitled:

An Act to repeal sections 162.680 and 162.962, RSMo, and to enact in lieu thereof two new sections relating to special education services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 702**, entitled:

An Act to repeal sections 302.225, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, and 577.054, RSMo, and to enact in lieu thereof fifteen new sections relating to commercial drivers' licenses, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SCR 13**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Concurrent Resolution No. 13, Page 686 of the Journal of the Senate, Lines 25 to 28 , by deleting all of said lines and inserting in lieu thereof the following:

"Senate of which at least two shall be members of the minority party, four shall be members of the House of Representatives of which two shall be appointed by the Speaker of the House of Representatives and two of which shall be members of the minority party appointed by the Minority Floor Leader with approval of the Speaker of the House of Representatives, four shall be representatives"; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 455**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for prostheses and scalp hair prostheses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 640**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Emancipation Day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 84**, entitled:

An Act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 84, Page 34, Section 348.430, Lines 1-54, by striking all of said section from the bill; and

Further amend said bill, Pages 4-7, Section 348.432, Lines 1-84, by striking all of said section from the bill and inserting in lieu thereof the following:

"348.430. 1. The tax credit created in this section shall be known as the "Agricultural Product Utilization Contributor Tax Credit".

2. As used in this section, the following terms mean:

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) "Contributor", an individual, partnership, corporation, trust, limited liability company, entity or person that contributes cash funds to the authority;

(3) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(4) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility;

(5) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel

production facility in which producer members:

- (a) Hold a majority of the governance or voting rights of the entity and any governing committee;
 - (b) Control the hiring and firing of management; and
 - (c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;
- (6) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source.

3. For **all tax [year] years beginning on or after January 1, 1999**, a contributor who contributes funds to the authority may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 148, RSMo, chapter 147, RSMo, in an amount of up to one hundred percent of such contribution. **Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to this subsection.** The awarding of such credit shall be at the approval of the authority, based on the least amount of credits necessary to provide incentive for the contributions. A contributor that receives tax credits for a contribution to the authority shall receive no other consideration or compensation for such contribution, other than a federal tax deduction, if applicable, and goodwill. A contributor that receives tax credits for a contribution provided in this section may not be a member, owner, investor or lender of an eligible new generation cooperative or eligible new generation processing entity that receives financial assistance from the authority either at the time the contribution is made or for a period of two years thereafter.

4. A contributor shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the contributor meets all criteria prescribed by this section and the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section [shall initially] **may** be claimed in the taxable year in which the contributor contributes funds to the authority. [Any amount of credit that exceeds the tax due for a contributor's taxable year] **Tax credits allowed pursuant to this section may immediately be carried back to any of the contributor's three prior tax years and** may be carried forward to any of the contributor's five subsequent taxable years. Tax credits issued pursuant to this section may be assigned, transferred or sold. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

5. The funds derived from contributions in this section shall be used for financial assistance or technical assistance for the purposes provided in section 348.407, to rural agricultural business concepts as approved by the authority. The authority may provide or facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts, but limited to two million dollars per project or the net state economic impact, whichever is less. Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the loans, equity investments or guaranteed loans in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

6. In any given year, at least ten percent of the funds granted to rural agricultural business concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single rural agricultural business concept shall receive more than two hundred thousand dollars in grant awards from the authority. Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.

348.432. 1. The tax credit created in this section shall be known as the "New Generation Cooperative Incentive Tax

Credit".

2. As used in this section, the following terms mean:

- (1) "Authority", the agriculture and small business development authority as provided in this chapter;
- (2) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;
- (3) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility and approved by the authority;
- (4) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:
 - (a) Hold a majority of the governance or voting rights of the entity and any governing committee;
 - (b) Control the hiring and firing of management; and
 - (c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;
- (5) "Employee-qualified capital project", an eligible new generation cooperative with capital costs greater than fifteen million dollars which will employ at least [one hundred] **sixty** employees;
- (6) "Large capital project", an eligible new generation cooperative with capital costs greater than one million dollars;
- (7) "Producer member", a person, partnership, corporation, trust or limited liability company whose main purpose is agricultural production that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;
- (8) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source;
- (9) "Small capital project", an eligible new generation cooperative with capital costs of no more than one million dollars.

3. Beginning tax year 1999, and ending December 31, 2002, any producer member who invests cash funds in an eligible new generation cooperative or eligible new generation processing entity may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, or chapter 148, RSMo, chapter 147, RSMo, in an amount equal to the lesser of fifty percent of such producer member's investment or fifteen thousand dollars.

4. For all tax years beginning on or after January 1, 2003, any producer member who invests cash funds in an eligible new generation cooperative **or eligible new generation processing entity** may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 147, RSMo, or chapter 148, RSMo, in an amount equal to the lesser of fifty percent of such producer member's investment or fifteen thousand dollars. **Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to subsection 3 of this section.**

5. A producer member shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the producer member meets all criteria prescribed by this section and is approved by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section [shall initially be claimed in the taxable year in which the producer member contributes capital to an eligible new generation cooperative or eligible new generation processing entity. Any amount of credit that exceeds the tax due for a producer member's taxable year] may be carried back to any of the producer member's three prior taxable years and carried forward to any of the producer member's five subsequent taxable years **regardless of the type of tax liability to which such credits are applied as authorized pursuant to subsection 3 of this section**. Tax credits issued pursuant to this section may be assigned, transferred, sold or otherwise conveyed and the new owner of the tax credit shall have the same rights in the credit as the producer member. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

6. Ten percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to small capital projects. If any portion of the ten percent of tax credits offered to small capital costs projects is unused in any calendar year, then the unused portion of tax credits may be offered to employee-qualified capital projects and large capital projects. If the authority receives more applications for tax credits for small capital projects than tax credits are authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for small capital projects.

7. Ninety percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to employee-qualified capital projects and large capital projects. If any portion of the ninety percent of tax credits offered to employee-qualified capital projects and large capital costs projects is unused in any fiscal year, then the unused portion of tax credits may be offered to small capital projects. The maximum tax credit allowed per employee-qualified capital project is three million dollars and the maximum tax credit allowed per large capital project is one million five hundred thousand dollars. If the authority approves the maximum tax credit allowed for any employee-qualified capital project or any large capital project, then the authority, by rule, shall determine the method of distribution of such maximum tax credit. In addition, if the authority receives more tax credit applications for employee-qualified capital projects and large capital projects than the amount of tax credits authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for employee-qualified capital projects and large capital projects."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 69**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto eight new sections relating to small businesses.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Steelman moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 289**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House

on **HCS** for **SS** for **SCS** for **SB 36**, as amended: Senators Klindt, Steelman, Clemens, Caskey and Kennedy.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 379**: Senators Champion, Nodler, Childers, Mathewson and Wheeler.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 887, regarding Andrea Smith, which was adopted.

Senator Champion offered Senate Resolution No. 888, regarding Rafiel Warfield, which was adopted.

Senator Wheeler offered Senate Resolution No. 889, regarding the International Right of Way Association, which was adopted.

Senator Klindt offered Senate Resolution No. 890, regarding Chandra Anderson, Kidder, which was adopted.

Senator Griesheimer offered Senate Resolution No. 891, regarding Christopher D. Sutherland, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Paul J. and Paul G. Nauert, St. Louis County.

Senator Stoll introduced to the Senate, Scott and Cheryl Weldon, and their children, Lori Ann, Nathanael, and Katrina; and Ronald Updegrave, Arnold; and Lori Ann was made an honorary page.

On behalf of Senator Vogel, Senator Scott introduced to the Senate, seventh grade students from St. Andrews School, Tipton; and Nathan Westermier, Jeramey Koechner, Lexie Holloway, and Lindsey Koechner were made honorary pages.

Senator Gibbons introduced to the Senate, Pam Harris, and seventeen fourth grade students from Rohon Woods School, St. Louis.

Senator Kennedy introduced to the Senate, Mickey Flood and Phil Smith, Fort Worth, Texas.

Senator Clemens introduced to the Senate, Peggy Preston, and one hundred fifty fourth grade students from Century School, Nixa.

Senator Stoll introduced to the Senate, thirty seventh grade students from Our Lady's School, Festus.

Senator Bartle introduced to the Senate, Stacy Greufe, Chris Wilson, and students from Prairie View Elementary School, Lee's Summit.

Senator Mathewson introduced to the Senate, Gilbert Early, St. Louis.

Senator Gibbons introduced to the Senate, Stacey and Stuart Morse, and their children, Merrill and True, Chesterfield; and Phyllis Corbet, Kirkwood; and Merrill and True were made honorary pages.

Senator Gibbons introduced to the Senate, Tom and Judy Alferman, and Tim Gisburne, Kirkwood; and Tim was made an honorary page.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Kristin Hahn-Cover, M.D., Columbia.

Senator Gibbons moved that the Senate

adjourn until 10:00 a.m., Wednesday, May 7, 2003.

Senator Jacob requested a roll call vote be taken on the motion to adjourn and was joined in his request by Senators Bray, Kennedy, Mathewson and Stoll.

The motion to adjourn was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Foster	Gibbons	Griesheimer
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bland	Dougherty	Goode	Gross--4
Absent with leave--Senators			
Coleman	DePasco	Scott--3	

SENATE CALENDAR

SIXTY-EIGHTH DAY-WEDNESDAY, MAY 7, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 655-Wilson (130)

HCS for HB 702

HS for HCS for HB 455-Thompson

HCS for HB 640

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)
SB 305-Jacob and Steelman
SCS for SB 307-Steelman
SCS for SB 675-Gross, et al
SS#2 for SCS for SBs 248,
100, 118, 233, 247, 341 & 420-Gross
SS for SCS for SB 346-Yeckel

HOUSE BILLS ON THIRD READING

1. HS for HB 470-Mayer,
with SCS (Bartle)
2. HB 198-Stevenson, et al
(Nodler)
3. HS for HB 197-Johnson (47),
with SCS & SCA 1 (Shields)
4. HS for HCS for HB 564-
Behnen, with SCS (Yeckel)
5. HS for HCS for HB 228-
Pearce, with SCS (Goode)
6. HB 598-Schlottach, et al,
with SCS (Dolan)
7. HB 327-Lipke, with SCS
(Dolan)

8. HCS for HB 185, with
SCS (Gross)
9. HB 91-Mayer, with SCS
(Steelman)
10. HS for HCS for HBs 679
& 396-Hanaway (Shields)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)
- SB 24-Steelman, with SCS
& SS for SCS (pending)
- SB 27-Gibbons, with SCS
- SB 33-Loudon and Scott,
with SS (pending)
- SB 51-Shields, with SS,
SS for SS & SA 1 (pending)
- SB 112-Loudon, with SCS
- SBs 125 & 290-Goode, with
SCS & SA 6 (pending)
- SB 209-Steelman, et al, with SCS
- SB 217-Champion and Clemens,
with SS (pending)
- SB 241-Yeckel, with SCS

SB 253-Steelmann, et al, with SCS,
SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SBs 312, 49, 111, 113, 191, 206,
263, 404, 409, 418, 538, 550 &
584-Dolan, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,
331, 368, 369, 419, 484 &
581-Dolan, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelmann and Gross

SBs 381, 384, 432 & 9-Dolan,
with SCS & SS for SCS (pending)

SBs 415, 88, 200, 223, 413, 523,
589 & 626-Yeckel, with SCS

SB 416-Yeckel, with SCS

SB 434-Yeckel, with SCS

SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending)

SB 446-Bartle, with SCS

SB 449-Bartle

SB 450-Mathewson, et al, with
SCS, SS for SCS & SA 2
(pending)

SB 455-Dougherty and Shields

SB 458-Childers

SB 460-Loudon, with SS &
SA 1 (pending)

SB 476-Jacob

SB 485-Shields, with SCS

SB 531-Childers, with SCS

SB 564-Gross

SB 685-Gibbons, et al, with SCS

SB 693-Klindt, et al, with SCS

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73, with SS

(pending) (Yeckel)

HCS for HB 144, with SCS

(Vogel)

HB 208-Engler, et al, with SCS

(Kinder)

HS for HCS for HB 257-

Munzlinger, with SCS (Cauthorn)

HB 286-Bearden, with SCS

(Shields)

HCS for HB 288, with SCS

(Shields)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HCS for HBs 346 & 174,

with SCS (Foster)

HB 412-Goodman, et al

(Childers)

HB 444-Jackson, with SCS

(Yeckel)

HB 445-Portwood, et al,

with SCS (Loudon)

HS for HCS for HBs 517, 94,

149, 150 & 342-Portwood,

with SCS (Gross)

HS for HB 668-Crawford, with

SCS, SS for SCS & SA 4

(pending) (Dolan)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 307-Merideth and

Shoemaker (Foster)

HB 505-Byrd and Villa,

with SCS (Mathewson)

Reported 4/15

HCS for HB 613, with SCS

(Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 69-Yeckel and

Nodler, with HCS

SCS for SB 84-Cauthorn and

Klindt, with HCS, as amended

SB 275-Russell, with HCS

SCS for SB 281-Shields, with HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 295-Shields, with HCS

SCS for SB 296-Griesheimer,

with HS for HCS, as amended

SS for SCS for SB 298-

Griesheimer, with HCS, as amended

SB 301-Bray, with HCS

SB 325-Steelman, with HCS

SB 355-Stoll, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 373-Bartle, with HCS

SB 399-Caskey, with HCS

SB 423-Childers, with HCA 1

SCS for SB 447-Bartle, with HCA 1

SB 465-Bartle, with HCS

SB 468-Bartle, with HCA 1

SB 470-Bartle, with HCS

SB 474-Bartle, with HCS

SB 504-Clemens and Champion, with HCS

SB 521-Gross, with HCS

SCS for SB 547-Caskey, with HCS

SCS for SB 592-Foster, with HCS

SCS for SB 666-Bland, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 36-Klindt,

with HCS, as amended

SCS#2 for SB 52-Shields,

with HCS (Senate adopted CCR

and passed CCS)

SCS for SBs 299 & 40-Champion,

et al, with HS, as amended

SCS for SB 379-Champion,

with HCS

SB 394-Bartle, with HCS,

as amended

SB 401-Dolan, et al, with HCS

SB 407-Klindt, with HCS

SB 448-Bartle, with HCS

SB 552-Yeckel, with HCS

HS for HB 2-Bearden, with

SCS, as amended (Russell)

HS for HB 3-Bearden, with

SCS, as amended (Russell)

HS for HB 4-Bearden, with

SCS, as amended (Russell)

HS for HB 5-Bearden, with

SCS, as amended (Russell)

HS for HB 6-Bearden, with

SCS, as amended (Russell)

HS for HB 7-Bearden, with

SCS (Russell)

HS for HB 8-Bearden, with

SCS, as amended (Russell)

HS for HB 9-Bearden, with

SCS, as amended (Russell)

HS for HB 10-Bearden, with

SCS, as amended (Russell)

HS for HB 11-Bearden, with

SCS, as amended (Russell)

HS for HB 12-Bearden, with

SCS, as amended (Russell)

HCS for HB 289, with SS for SCS,

as amended (Steelman)

HCS for HB 600, with SS for SS

for SCS, as amended (Shields)

Requests to Recede or Grant Conference

SB 186-Cauthorn, with HCS

(House requests Senate

take up and pass the bill)

HCS for HB 427, with SCS

(Bartle) (House requests Senate

recede or grant conference)

HS for HB 511-Deeken, with SS

for SCS, as amended (Yeckel)

(House requests Senate

recede or grant conference)

RESOLUTIONS

SCR 15-Dolan, et al

SS for SCS for SCR 13-

Nodler, with HCA 1

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al

SCR 18-Mathewson and

Steelman

HCR 11-Moore and Walton

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-EIGHTH DAY--WEDNESDAY, MAY 7, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"But when one turns to the Lord, the veil is removed." (2 Corinthians 3:16)

Gracious Lord, we thank You that You are our God and we ask that You open our eyes to see past the mess, past the confusion, past the hurtful, to the brilliance of possibilities that You can provide those who seek You. As we move through this day, help us meet the challenges it will bring, as You would have us act. And we pray for the Doughertys as Beverly undergoes surgery today; guide the hands of the surgeons and touch her body with Your healing power bringing her finally to health and wholeness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Senate paused for a moment of silence for the families that have been affected by the recent storms.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
Absent with leave--Senators			
Coleman	DePasco--2		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 892, regarding Christopher Andrew Walters, Jefferson City, which was adopted.

REFERRALS

President Pro Tem Kinder referred **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**; and **SS** for **SCS** for **SB 346** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 305, introduced by Senators Jacob and Steelman, entitled:

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales taxes on health and fitness centers.

Was taken up by Senator Jacob.

On motion of Senator Jacob, **SB 305** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 307**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 307

An Act to repeal section 208.565, RSMo, and to enact in lieu thereof one new section relating to the senior Rx program, with an emergency clause.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SCS** for **SB 307** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Wheeler--2		
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 675**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 675

An Act to repeal sections 33.080, 166.300, 339.105, and 374.150, RSMo, and to enact in lieu thereof four new sections relating to certain special funds, with penalty provisions and an emergency clause.

Was taken up by Senator Gross.

On motion of Senator Gross, **SCS** for **SB 675** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--30		
	NAYS--Senator Caskey--1		
	Absent--Senator Wheeler--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

Senator Shields assumed the Chair.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Cauthorn	Champion
Childers	Clemens	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--28
	NAYS--Senator Caskey--1		
	Absent--Senators		
Bland	Quick	Wheeler--3	
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 16**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 16, Page 6, Section 16.065, Line 12, by inserting immediately

after the word "Federal", the word "Funds"; and further amend said bill, section 16.095, line 9, by inserting immediately after the word "Federal", the word "Funds".

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 18**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 18, Page 2, Section 18.027, Line 7, by deleting the number "6,298,124" and inserting in lieu thereof the number "6,697,320"; and further amend said section, line 8, by deleting the number "\$18,000,000" and inserting in lieu thereof the number "\$18,399,196".

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 18, Page 4, Section 18.090, Line 9, by inserting immediately after the word "Federal" the word "Funds".

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 19**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 19, Page 5, Section 19.110, Line 4, by inserting immediately thereafter the following new section:

"Section 19.115. To the Board of Public Buildings

For the purchase of equipment for the replacement of the Jefferson City Correctional Center

From Proceeds of Revenue Bonds \$8,000,000".

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 20**, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Bartle moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 427** and grant the House a conference thereon, which motion prevailed.

Senator Yeckel moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 511**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Bartle moved that **HCS** for **HB 613**, with **SCS**, as amended, be called from the Consent Calendar and again

taken up for third reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 613**, as amended, was again taken up.

Senator Bartle moved that **SCS** for **HCS** for **HB 613**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HCS** for **HB 613**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Coleman	DePasco	Stoll--3	

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Dolan moved that **HS** for **HB 668**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Dolan, **SA 4** was withdrawn.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 668, Page 12, Section 226.096, Line 13, by inserting after the word "claim", the words: "either in court or in arbitration".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Caskey offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 668, Page 40,

Section 238.236, Line 2, by inserting after said line:

"Section 1. In a condemnation case where there are multiple ownership interests in the property proposed for condemnation, the circuit court shall separate the trust fund into the respective ownership interests."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **HS** for **HB 668**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **SCS** for **HS** for **HB 668**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland Mathewson--2

Absent with leave--Senators

Coleman DePasco Stoll--3

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Cauthorn moved that **SB 186**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 186**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 186

An Act to repeal sections 59.041, 59.042, and 483.015, RSMo, and to enact in lieu thereof three new sections relating to recorders of deeds.

Was taken up.

Senator Childers assumed the Chair.

Senator Bartle assumed the Chair.

Senator Cauthorn moved that **HCS** for **SB 186** be adopted.

At the request of Senator Cauthorn, the above motion was withdrawn.

Senator Cauthorn moved that the Senate refuse to concur in **HCS** for **SB 186** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 289**, as amended.
Representatives: Dempsey, Pearce, Yates, Curls and Meredith.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HB 511**, as amended.
Representatives: May, Deeken, Yates, Seigfried and Dougherty.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 289**, as amended: Senators Steelman, Klindt, Gross, Mathewson and Goode.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 893, regarding Pierre Laclede Elementary School, St. Louis City, which was adopted.

Senator Yeckel offered Senate Resolution No. 894, regarding Kennard Classical Junior Academy, St. Louis City, which was adopted.

Senator Clemens offered Senate Resolution No. 895, regarding Corrections Officer I Jimmie Johnson, Seymour, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

RESOLUTIONS

On behalf of Senator Coleman, Senator Jacob offered Senate Resolution No. 896, regarding Pattria L. Sly, which was adopted.

On behalf of Senator Coleman, Senator Jacob offered Senate Resolution No. 897, regarding Alaina DeAnne Coleman, which was adopted.

Senator Champion offered Senate Resolution No. 898, regarding Steve Deulen, Springfield, which was adopted.

On behalf of Senator Coleman, Senator Jacob offered Senate Resolution No. 899, regarding Tamara Chanel Winston,

Columbia, which was adopted.

Senator Mathewson offered the following resolution:

SENATE RESOLUTION NO. 900

WHEREAS, growing concerns and complexities of health issues in this state have lead to higher costs of administration and implementation of health care; and

WHEREAS, the manner in which health care is currently administered at the state level is fragmented and often unresponsive to health care issues; and

WHEREAS, the responsibility for health care policy, purchasing, planning, and regulation is spread among many different agencies and departments; and

WHEREAS, there is a need to have a central agency serve as the lead planning state entity for all health insurance and pharmacy benefit issues in the state to remedy the current situation; and

WHEREAS, the state could benefit from maximizing its purchasing power inasmuch as the state now has none of its health care purchasing coordinated; and

WHEREAS, minimizing the duplication and maximizing the administrative efficiency in the state's health care systems by removing overlapping functions and streamlining uncoordinated programs would lead to increased cost savings to the state in a time of fiscal uncertainty; and

WHEREAS, the state has a need to develop a better health care infrastructure that is more responsive to the consumers it serves while improving access to and coverage for health care:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, hereby create a Senate interim committee to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate whereof at least three members shall be from the minority party to conduct a study to determine the feasibility of achieving the objectives of decreasing health insurance costs to all state employees and streamlining state medicaid programs to achieve cost savings, as well as the other objectives expressed herein; and

BE IT FURTHER RESOLVED that the committee and its members shall have no contact, written or oral, with the University of Missouri or any employees thereof; and

BE IT FURTHER RESOLVED that the committee shall be prohibited from requesting any research or information from the University of Missouri or any employee thereof; and

BE IT FURTHER RESOLVED that the committee shall call its first meeting within sixty days after adjournment of the Missouri Senate, Ninety-second General Assembly, First Regular Session; and

BE IT FURTHER RESOLVED that Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee shall perform a study of the feasibility and economic impact of achieving the objectives provided herein for submission to the Missouri Senate prior to the commencement of the Second Regular Session of the Ninety-second General Assembly; the study analysis shall include, but not be limited to, the following:

- (1) An inventory of current health care and pharmacy benefit plans and related programming offered to state retirees and their dependents and state beneficiaries and their dependents;
- (2) The financial feasibility and programming implications of integrating benefit plans, or portions thereof, to achieve financial economies to the state and state retirees and their dependents and state beneficiaries and their dependents;
- (3) A prioritized analysis of infrastructure and appropriations necessary to adequately implement any committee recommendation; and
- (4) If, by a majority vote of the members of the committee, a determination is made that one of the existing health or pharmacy benefit plans of one of the member agencies, or any part thereof, would be better served by being excluded from the Division of Community Health, such determination and a detailed analysis thereof shall be included; and

BE IT FURTHER RESOLVED that the committee shall be authorized to contract for consulting services, subject to appropriation, to assist with the requirements of the study.

PRIVILEGED MOTIONS

Senator Nodler moved that **SS** for **SCS** for **SCR 13**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Nodler moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Dolan	Quick--3	
Absent with leave--Senators			
Coleman	DePasco	Stoll--3	

On motion of Senator Nodler, **SS** for **SCS** for **SCR 13**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Goode	Quick--3	
Absent with leave--Senators			
Coleman	DePasco	Stoll--3	

The President declared the concurrent resolution passed.

On motion of Senator Nodler, title to the concurrent resolution was agreed to.

Senator Nodler moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SR 900** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 246**, entitled:

An Act to repeal sections 386.120, 386.210, and 392.200, RSMo, and to enact in lieu thereof sixteen new sections relating to the regulation of utilities, with penalty provisions.

With House Amendments Nos. 1, 3, House Substitute Amendment No. 1 for House Amendment No. 4, and House Amendment No. 6.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 246, Page 9, Section 386.374, Line 22, by inserting after all of said line the following:

"386.756. 1. Except by an affiliate, a utility may not engage in HVAC services, unless otherwise provided in subsection 7 or subsection 8 of this section.

2. No affiliate or utility contractor may use any vehicles, service tools, instruments, employees, or any other utility assets, the cost of which are recoverable in the regulated rates for utility service, to engage in HVAC services unless the utility is compensated for the use of such assets at cost to the utility.

3. A utility may not use or allow any affiliate or utility contractor to use the name of such utility to engage in HVAC services unless the utility, affiliate or utility contractor discloses, in plain view and in bold type on the same page as the name is used on all advertisements or in plain audible language during all solicitations of such services, a disclaimer that states the services provided are not regulated by the public service commission.

4. A utility may not engage in or assist any affiliate or utility contractor in engaging in HVAC services in a manner which subsidizes the activities of such utility, affiliate or utility contractor to the extent of changing the rates or charges for the utility's regulated services above or below the rates or charges that would be in effect if the utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

5. Any affiliates or utility contractors engaged in HVAC services shall maintain accounts, books and records separate and distinct from the utility.

6. The provisions of this section shall apply to any affiliate or utility contractor engaged in HVAC services that is owned, controlled or under common control with a utility providing regulated utility service in this state or any other state.

7. A utility engaging in HVAC services in this state five years prior to August 28, 1998, may continue providing, to existing as well as new customers, the same type of services as those provided by the utility five years prior to August 28, 1998. **The provisions of this section only apply to the area of service which the utility was actually supplying service to on a regular basis prior to August 28, 1993. The provisions of this section shall not apply to any subsequently expanded areas of service made by a utility through either existing affiliates or subsidiaries or through affiliates or subsidiaries purchased after August 28, 1993, unless such services were being provided in the expanded area prior to August 28, 1993.**

8. The provisions of this section shall not be construed to prohibit a utility from providing emergency service, providing any service required by law or providing a program pursuant to an existing tariff, rule or order of the public service commission.

9. A utility that violates any provision of this section is guilty of a civil offense and may be subject to a civil penalty of up to twelve thousand five hundred dollars for each violation. **The attorney general may enforce the provisions of this section pursuant to any powers granted to him or her pursuant to any relevant provisions provided by Missouri statutes or the Missouri Constitution.**

10. Any utility claiming an exemption as provided in subsection 7 of this section shall comply with all applicable state and local laws, ordinances or regulations relating to the installation or maintenance of HVAC systems including all permit requirements. A continuing pattern of failure to comply with said requirements shall provide the basis for a finding by any court of competent jurisdiction or the public service commission that the utility has waived its claim of exemption pursuant to subsection 7 of this section.

11. A utility which sells gas fired appliances shall perform all installation, maintenance and service of said appliances with its own employees."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 246, Page 34, Section 393.1006, Line 5, by inserting after the word and period "ISRS." the following:

"In the event of a refund, the water corporation shall pay interest on the overcollected revenues pursuant to the ISRS."

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 246, Page 16, Section 392.200.11, Line 14, by deleting subsection 11 and adding in lieu thereof a new subsection 11 as follows:

"11. Consistent with and subject to the terms of section 392.200.2, every telecommunications company is authorized to offer discounted rates or other special promotions on any of its telecommunications services to any new or former customers."

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 246, Page 42, Section 393.1015, Line 11, by inserting after the word and period "charge" the following:

"In the event of a refund, the gas corporation shall pay interest on the overcollected revenues pursuant to the ISRS."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 427**. Representatives: Byrd, Stevenson, Mayer, Willoughby and Bishop.

PRIVILEGED MOTIONS

Senator Steelman moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 246**, as amended, and request

the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Yeckel moved that **HCS** for **HB 73**, with **SS** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

SS for **HCS** for **HB 73** was again taken up.

Senator Yeckel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 73, Page 2, Section 166.435, Lines 19-29 of said page, by striking all of said lines; and

Further amend said bill and section, Page 3, Lines 1 to 4, by striking all of said line and inserting in lieu thereof the following: "**143.121, RSMo.** Annual contributions [up to and including eight thousand dollars made to the savings program shall be subtracted from] **made to the savings program held by the board and any similar program sponsored, held, or otherwise authorized by law by this state or any other state or subdivision thereof qualified pursuant to Section 529 of the Internal Revenue Code for the tax year beginning on or after January 1, 2004, and every tax year thereafter for the participant taxpayer, shall not be subtracted in determining** Missouri adjusted gross income pursuant to section 143.121, RSMo.".

Senator Yeckel moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 73, Page 3, Section 166.500, Line 16, by inserting before "**Missouri**" on said line: "**Anita Yeckel**".

Senator Caskey moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 1** is out of order, as it is not a true substitute amendment.

At the request of Senator Caskey, **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

SA 1 was again taken up.

Senator Jacob offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 73, Page 1, Line 15, by adding after said line the following: "Further amend said section, page 3, line 5, by striking the word "deductible".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SS** for **HCS** for **HB 73**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS** for **HCS** for **HB 73**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
NAYS--Senators			
Bland	Bray	Caskey	Days
Dougherty	Goode	Jacob	Quick
Stoll	Wheeler--10		
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Dolan moved that **SB 289**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Dolan moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			

Absent with leave--Senators

Coleman

DePasco--2

On motion of Senator Dolan, **SB 289**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senator Goode--1

Absent with leave--Senators

Coleman

DePasco--2

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Klindt, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 407** moved that the following conference committee report be taken up, which motion prevailed:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 407

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 407 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 407;
2. That the Senate recede from its position on Senate Bill No. 407;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 407, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David G. Klindt

/s/ John Loudon

/s/ Delbert Scott

FOR THE HOUSE:

/s/ Blaine Luetkemeyer

/s/ Sherman Parker

/s/ Ronald Richard

/s/ Harry Kennedy
/s/ Stephen Stoll

/s/ Dan Ward
/s/ Albert Liese

Senator Klindt moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Stoll--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Klindt, **CCS** for **HCS** for **SB 407**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 407

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for cancer.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Goode--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which were referred **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**; and **SS** for **SCS** for **SB 346**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 248, 100, 118, 233, 247, 341 and 420

An Act to repeal sections 84.140, 86.690, 104.010, 104.040, 104.110, 104.271, 104.370, 104.1003, 104.1024, 169.030, 169.050, 169.056, 169.070, 169.560, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, 169.670, 169.712, and 287.845, RSMo, and to enact in lieu thereof thirty-four new sections relating to the retirement systems and benefits, with penalty provisions and an emergency clause for certain sections.

Was taken up.

On motion of Senator Gross, **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn

Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Goode--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 346**, introduced by Senator Yeckel, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 346

An Act to repeal sections 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 369.159, 400.9-525, 407.433, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.653, 408.654, and 447.510, RSMo, and to enact in lieu thereof twenty-four new sections relating to banking, with an effective date for a certain section and penalty provisions.

Was taken up.

On motion of Senator Yeckel, **SS** for **SCS** for **SB 346** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 346** and **174**, with **SCS**, entitled:

An Act to repeal sections 105.269, 169.030, 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, and 169.670, RSMo, and to enact in lieu thereof fifteen new sections relating to the public school retirement system, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Foster.

SCS for **HCS** for **HBs 346** and **174**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 346 and 174

An Act to repeal sections 169.030, 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, 169.670, and 169.712, RSMo, and to enact in lieu thereof seventeen new sections relating to the public school retirement system, with penalty provisions and an emergency clause.

Was taken up.

Senator Foster moved that **SCS** for **HCS** for **HBs 346** and **174**, be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **HCS** for **HBs 346** and **174**, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Mathewson--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dougherty--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

HCS for HB 16, with SCA 1, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2003 and ending June 30, 2005.

Was taken up by Senator Russell.

SCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **HCS for HB 16**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--29			
	NAYS--Senator Bland-- 1		
	Absent--Senators		
Quick	Wheeler--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 17**, with **SCS**, entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 17**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 17

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 17** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 17** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senator Bland-- 1		
	Absent--Senator Quick-- 1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 18, with SCAs 1 and 2, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

Was taken up by Senator Russell.

SCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **HCS for HB 18**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senator Bland--1		
	Absent--Senators		
Jacob	Klindt--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 19, with SCA 1, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up by Senator Russell.

SCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **HCS** for **HB 19**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--30		
NAYS--Senator Bland--1			
Absent--Senator Wheeler--1			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 20**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2003 and ending June 30, 2005.

Was taken up by Senator Russell.

On motion of Senator Russell, **HCS** for **HB 20** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Gibbons
Goode	Gross	Jacob	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
NAYS--Senators			
Bartle	Bland	Bray	Days
Foster	Griesheimer	Kennedy	Quick
Stoll	Wheeler--10		
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Cauthorn moved that **SCS** for **SB 84**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 84**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 84

An Act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

Was taken up.

Senator Cauthorn moved that **HCS** for **SCS** for **SB 84**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senator Caskey-- 1			
Absent--Senator Quick-- 1			
Absent with leave--Senators			
Coleman	DePasco--2		

Senator Childers assumed the Chair.

Senator Bartle assumed the Chair.

On motion of Senator Cauthorn, **HCS** for **SCS** for **SB 84**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Cauthorn	Champion
Childers	Clemens	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott

Shields	Steelman	Stoll	Vogel
Yeckel--25			
	NAYS--Senators		
Caskey	Days	Goode	Wheeler--4
	Absent--Senators		
Bland	Dolan	Quick--3	
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Russell moved that **SB 275**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 275**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 275

An Act to repeal section 2, as enacted by senate bill no. 1168, ninety-first general assembly, second regular session, section 2, as enacted by senate committee substitute for house bill no. 1811, ninety-first general assembly, second regular session, and section 3, as enacted by senate bill no. 1041, ninety-first general assembly, second regular session relating to conveyance of property owned by the state, and to authorize the conveyance of property owned by the state in the county of Cole to the Missouri state penitentiary redevelopment commission.

Was taken up.

Senator Russell moved that **HCS** for **SB 275** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Russell, **HCS** for **SB 275** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Steelman moved that the conferees on **SS** for **SCS** for **HCS** for **HB 289**, as amended, be allowed to exceed the differences for the purpose of adding natural disaster relief language, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS No. 2** for **SB 1**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute No. 2 for Senate Bill No. 1, Section 306.127, Page 1, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"operates a vessel on the lakes"; and

Further amend said bill, Section 306.127, Page 2, Lines 39 and 40, by deleting all of said lines; and

Further amend said bill in the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 540**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 540, Page 2, Section 311.195, Lines 15-17, by striking the following: ", nor have a direct or indirect financial interest in any business of any other person or corporation, or of any employee, officer, agent, subsidiary, or affiliate thereof,".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SS** for **SS** for **SCS** for **HCS** for **HB 600** be allowed to exceed the differences by allowing them to add an amended Section 136.320 RSMo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 261** and has taken up and passed **HB 261**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 371** and has taken up and passed **SCS** for **HCS** for **HB 371**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 392** and has taken up and passed **SCS** for **HCS** for **HB 392**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCS** for **HB 394** and has taken up and passed **HCS** for **HB 394**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 491** and has taken up and passed **SCS** for **HB 491**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 512** and has taken up and passed **SCS** for **HB 512**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 521** and has taken up and passed **SCS** for **HB 521**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 552** and has taken up and passed **SCS** for **HB 552**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SCS** for **SB 55**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 13** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 613** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 575** and has taken up and passed **SCS** for **HCS** for **HB 575**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 246**, as amended, and grants the Senate a conference thereon.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 665--Education.

HCS for **HB 702**--Transportation.

HS for **HCS** for **HB 455**--Aging, Families, Mental and Public Health.

HCS for **HB 640**--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 13** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 427**: Senators Bartle, Wheeler, Bray, Klindt and Shields.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 511**, as amended: Senators Yeckel, Bartle, Scott, Stoll and Days.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 901, regarding Premium Standard Farms, Milan, which was adopted.

Senator Caskey offered Senate Resolution No. 902, regarding Commander Gary L. Peters, Belton, which was adopted.

Senator Vogel offered Senate Resolution No. 903, regarding the Ninth Street Christian Church, Eldon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Jeff Michalski, M.D., St. Louis.

Senator Cauthorn introduced to the Senate, Melissa, Richie, Isabella, and Samantha Lay, and Janice Jones, Lewistown.

On behalf of Senator Stoll, Senator Kennedy introduced to the Senate, John and Kay Stewart, and their children, Ian, Christian, and Justus, Hillsboro; and Ian, Christian, and Justus were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-NINTH DAY-THURSDAY, MAY 8, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,

103, 156 & 329-Steelman

(In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

1. HS for HB 470-Mayer,
with SCS (Bartle)
2. HB 198-Stevenson, et al
(Nodler)
3. HS for HB 197-Johnson (47),
with SCS & SCA 1 (Shields)
4. HS for HCS for HB 564-
Behnen, with SCS (Yeckel)
5. HS for HCS for HB 228-
Pearce, with SCS (Goode)
6. HB 598-Schlottach, et al,
with SCS (Dolan)
7. HB 327-Lipke, with SCS
(Dolan)
8. HCS for HB 185, with SCS
(Gross)
9. HB 91-Mayer, with SCS
(Steelman)
10. HS for HCS for HBs 679 &
396-Hanaway (Shields)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 27-Gibbons, with SCS

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS & SA 6 (pending)

SB 209-Steelman, et al, with SCS

SB 217-Champion and Clemens,
with SS (pending)

SB 241-Yeckel, with SCS

SB 253-Steelman, et al, with SCS,
SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SBs 312, 49, 111, 113, 191, 206,
263, 404, 409, 418, 538, 550 &
584-Dolan, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,
331, 368, 369, 419, 484 &
581-Dolan, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan, with

SCS & SS for SCS (pending)

SBs 415, 88, 200, 223, 413, 523,

589 & 626-Yeckel, with SCS

SB 416-Yeckel, with SCS

SB 434-Yeckel, with SCS

SB 436-Klindt, with SCS, SS for

SCS & SA 2 (pending)

SB 446-Bartle, with SCS

SB 449-Bartle

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2

(pending)

SB 455-Dougherty and Shields

SB 458-Childers

SB 460-Loudon, with SS & SA 1

(pending)

SB 476-Jacob

SB 485-Shields, with SCS

SB 531-Childers, with SCS

SB 564-Gross

SB 685-Gibbons, et al, with SCS

SB 693-Klindt, et al, with SCS

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 144, with SCS

(Vogel)

HB 208-Engler, et al,

with SCS (Kinder)

HS for HCS for HB 257-

Munzlinger, with SCS

(Cauthorn)

HB 286-Bearden, with SCS

(Shields)

HCS for HB 288, with SCS

(Shields)

HS for HCS for HB 321-

Wilson (130), with SS &

SS for SS (pending) (Loudon)

HB 412-Goodman, et al (Childers)

HB 444-Jackson, with SCS

(Yeckel)

HB 445-Portwood, et al,

with SCS (Loudon)

HS for HCS for HBs 517, 94,

149, 150 & 342-Portwood,

with SCS (Gross)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 307-Merideth and

Shoemaker (Foster)

HB 505-Byrd and Villa,

with SCS (Mathewson)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS#2 for SB 1-Russell, with HA 1

SCS for SB 69-Yeckel and

Nodler, with HCS

SCS for SB 281-Shields, with HCS

SCS for SB 295-Shields, with HCS

SCS for SB 296-Griesheimer,

with HS for HCS, as amended

SS for SCS for SB 298-

Griesheimer, with HCS, as

amended

SB 301-Bray, with HCS

SB 325-Steelman, with HCS

SB 355-Stoll, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 373-Bartle, with HCS

SB 399-Caskey, with HCS

SB 423-Childers, with HCA 1

SCS for SB 447-Bartle, with HCA 1

SB 465-Bartle, with HCS

SB 468-Bartle, with HCA 1

SB 470-Bartle, with HCS

SB 474-Bartle, with HCS

SB 504-Clemens and Champion,

with HCS

SB 521-Gross, with HCS

SB 540-Gross, with HA 1

SCS for SB 547-Caskey, with HCS

SCS for SB 592-Foster, with HCS

SCS for SB 666-Bland, with HCS

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 36-Klindt,

with HCS, as amended

SCS#2 for SB 52-Shields, with HCS

(Senate adopted CCR

and passed CCS)

SCS for SB 246-Steelman, et al,

with HS for HCS, as amended

SCS for SBs 299 & 40-

Champion, et al, with HS,

as amended

SCS for SB 379-Champion,

with HCS

SB 394-Bartle, with HCS,

as amended

SB 401-Dolan, et al, with HCS

SB 407-Klindt, with HCS

(Senate adopted CCR

and passed CCS)

SB 448-Bartle, with HCS

SB 552-Yeckel, with HCS

HS for HB 2-Bearden, with

SCS, as amended (Russell)

HS for HB 3-Bearden, with

SCS, as amended (Russell)

HS for HB 4-Bearden, with

SCS, as amended (Russell)

HS for HB 5-Bearden, with

SCS, as amended (Russell)

HS for HB 6-Bearden, with

SCS, as amended (Russell)

HS for HB 7-Bearden, with

SCS (Russell)

HS for HB 8-Bearden, with

SCS, as amended (Russell)

HS for HB 9-Bearden, with

SCS, as amended (Russell)

HS for HB 10-Bearden, with

SCS, as amended (Russell)

HS for HB 11-Bearden, with

SCS, as amended (Russell)

HS for HB 12-Bearden, with

SCS, as amended (Russell)

HCS for HB 13, with SCS

(Russell)

HCS for HB 289, with SS for

SCS, as amended (Steelman)

HCS for HB 427, with SCS

(Bartle)

HS for HB 511-Deeken, with SS

for SCS, as amended (Yeckel)

HCS for HB 600, with SS for SS
for SCS, as amended (Shields)

Requests to Recede or Grant Conference

SB 186-Cauthorn, with HCS
(Senate requests House
recede or grant conference)

HCS for HB 613, with SCS,
as amended (Bartle)
(House requests Senate
recede or grant conference)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al

SCR 18-Mathewson and Steelman

HCR 11-Moore and Walton

(Bland)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-NINTH DAY--THURSDAY, MAY 8, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"So God led the people by the roundabout way of the wilderness." (Exodus 13:18)

Gracious God, we seem to be in a wilderness of paper and issues, of long days and longer nights that numb our brains and hinder our efforts. Help us to stay on the path You have set before us that we may learn from this journey what is important and what is not. In addition, help us make decisions that are effective and loving in design. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, the Missourian and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the

day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
Absent with leave--Senators			
Coleman	DePasco--2		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Scott offered Senate Resolution No. 904, regarding Stephen M. Poort, Ed.D., Sedalia, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 900**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 20**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 21**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 3**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 32**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SBs 361, 103, 156 and 329**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Cheryl Thruston, as a member of the Missouri Training and Employment Council;

Also,

Robert L. Robinson, Jr., as a member of the Board of Probation and Parole;

Also,

Robert M. Clayton, III and Connie L. Murray, as members of the Public Service Commission;

Also,

Julie A. Robinson, as a member of the Missouri State Board of Chiropractic Examiners;

Also,

James Adam Marchack and Susan J. Mehalko, as members of the Elevator Safety Board;

Also,

Andres Marin Dominquez, as a member of the Missouri Community Service Commission;

Also,

Gregory S. Ballentine and John T. Wade, as members of the Advisory Committee for 911 Service Oversight;

Also,

Catherine L. Pasierb and Alyssa L. Person, as members of the State Committee for Social Workers;

Also,

Nelson C. Grumney, Jr., as a member of the Missouri Development Finance Board;

Also,

Brian H. Collins and Lethrone Johnson, as members of the Missouri Seed Capital Investment Board;

Also,

Dennis G. Cowan, as a member of the Missouri Head Injury Advisory Council;

Also,

Jane B. Klieve, as a member of the Missouri Housing Development Commission;

Also,

Donna M. Powell, Joann K. Pipkin and Stephen F. McKaskle, as members of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Sherri A. Robins, as a member of the State Lottery Commission;

Also,

Marcia D. Shadel, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Mary E. Updyke, as a member of the State Board of Senior Services;

Also,

Timothy J. Fete, as a member of the Child Abuse and Neglect Review Board;

Also,

Theodore A. Pruess, as a member of the Seismic Safety Commission;

Also,

W. Dale Finke, as a member of the St. Charles County Convention and Sports Facilities Authority;

Also,

Sandra T. Bollinger, as a member of the Drug Utilization Review Board;

Also,

James Michael DiPardo, as a member of the Land Reclamation Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCA 1** to **HCS** for **HB 19** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 186** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HS** for **HB 668** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Dolan moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 668**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Gross assumed the Chair.

Senator Russell moved that the Senate refuse to recede from its position on **SCA 1** to **HCS** for **HB 19** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House

on **SCS** for **HCS** for **HB 13**: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 19**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 186**: Senators Cauthorn, Bartle, Shields, Kennedy and Quick.

PRIVILEGED MOTIONS

Senator Shields moved that the conferees on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended, be allowed to exceed the differences by adding an amended Section 136.320, RSMo, which motion prevailed.

Senator Yeckel moved that **SCS** for **SB 69**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 69**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 69

An Act to amend chapter 620, RSMo, by adding thereto eight new sections relating to small businesses.

Was taken up.

Senator Shields assumed the Chair.

Senator Yeckel moved that **HCS** for **SCS** for **SB 69** be adopted.

At the request of Senator Yeckel, the above motion was withdrawn.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 361, 103, 156** and **329**, introduced by Senator Steelman, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 361, 103, 156 and 329

An Act to repeal sections 250.140, 260.273, 260.475, 260.479, 260.830, 260.831, 319.125, 319.127, 319.139, 393.015, 640.100, 640.115, 640.605, 640.615, 640.620, 643.078, 644.016, 644.052, RSMo, and section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof sixty new sections relating to waste, with penalty provisions and an expiration date for a certain section.

Was taken up.

On motion of Senator Steelman, **SS** for **SCS** for **SBs 361, 103, 156** and **329** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Champion
Childers	Clemens	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
	NAYS--Senators		
Cauthorn	Dolan	Kennedy--3	
	Absent--Senators		
Bland	Quick--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on February 6, 2003 for your advice and consent:

Doug Randell, 8947 Edna Street, St. Louis City, Missouri 63147, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, David Rice, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on February 14, 2003 for your advice and consent:

Beth Ann Mayberry, Republican, 18416 Ada Court, Trimble, Clay County, Missouri 64492, as a member of the Missouri Community Service Commission, for a term ending December 15, 2005, and until her successor is duly appointed and qualified; vice, Jocelyn Osborne, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on February 21, 2003 for your advice and consent:

Ik-Whan G. Kwon, 234 New Salem Drive, St. Louis, St. Louis County, Missouri 63108, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointments be returned to the Governor pursuant to his request, which motion prevailed.

PRIVILEGED MOTIONS

Senator Russell moved that **SCS No. 2** for **SB 1**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--26		

NAYS--Senator Gross--1

Absent--Senators

Bland	Days	Jacob	Quick
Yeckel--5			

Absent with leave--Senators

Coleman	DePasco--2
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On motion of Senator Russell, **SCS No. 2** for **SB 1**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Foster	Gibbons	Goode
Griesheimer	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28

NAYS--Senator Gross--1

Absent--Senators

Bland	Dougherty	Quick--3
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Absent with leave--Senators

Coleman	DePasco--2
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The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SB 399**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 399**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 399

An Act to repeal section 217.360, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of controlled substances in city or county jails, with penalty provisions.

Was taken up.

Senator Caskey moved that **HCS** for **SB 399** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None			
Absent--Senators			
Bland	Dolan	Quick--3	
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Caskey, **HCS** for **SB 399** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SCS** for **SB 547**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 547**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 547

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof two new sections relating to compensation for certain county treasurers.

Was taken up.

Senator Caskey moved that **HCS** for **SCS** for **SB 547** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick	Wheeler--3	
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Caskey, **HCS** for **SCS** for **SB 547** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Yeckel moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 69** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Gross moved that **SB 540**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Gross moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Cauthorn	Champion
Childers	Clemens	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators			
Caskey	Foster	Russell--3	
Absent--Senator Bland--1			
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Gross, **SB 540**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Cauthorn	Champion
Childers	Clemens	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
NAYS--Senators			
Caskey	Foster	Russell	Scott--4
Absent--Senator Bland--1			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bartle moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 613**, as amended, and

grant the House a conference thereon, which motion prevailed.

Senator Bartle moved that **SCS** for **SB 373**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 373**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 373

An Act to repeal sections 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof four new sections relating to warehouse and self-service storage facilities.

Was taken up.

Senator Bartle moved that **HCS** for **SCS** for **SB 373** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Bartle, **HCS** for **SCS** for **SB 373** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bartle moved that **SCS** for **SB 447**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Bartle moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Champion	Clemens	Days	Dolan
Dougherty	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
NAYS--Senators			
Cauthorn	Childers	Foster	Scott--4
Absent--Senator Goode-- 1			
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Bartle, **SCS** for **SB 447**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senator Foster-- 1			
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Stoll moved that **SB 355**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 355**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 355

An Act to repeal sections 194.220 and 301.020, RSMo, and to enact in lieu thereof two new sections relating to the organ donor program, with penalty provisions.

Was taken up.

Senator Stoll moved that **HCS** for **SB 355** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--30		

NAYS--Senators--None

Absent--Senators

Quick Yeckel--2

Absent with leave--Senators

Coleman DePasco--2

On motion of Senator Stoll, **HCS** for **SB 355** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bartle Quick--2

Absent with leave--Senators

Coleman DePasco--2

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Griesheimer moved that **SCS** for **SB 296**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 296**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 296

An Act to repeal sections 161.092, 168.021, and 168.071, RSMo, and to enact in lieu thereof three new sections relating to educational standards.

Was taken up.

Senator Griesheimer moved that **HS** for **HCS** for **SCS** for **SB 296**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Dolan--1			
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Griesheimer, **HS** for **HCS** for **SCS** for **SB 296**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None
Absent--Senator Dolan--1
Absent with leave--Senators
DePasco--2

Coleman

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bartle assumed the Chair.

Senator Champion moved that the conferees on **HCS** for **SCS** for **SB 379** be allowed to exceed the differences, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 668**, as amended: Senators Dolan, Cauthorn, Nodler, Bray and Days.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 905, regarding Martha Ann Maxwell, High Ridge, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

HOUSE BILLS ON THIRD READING

HB 307, introduced by Representatives Merideth and Shoemaker (8), entitled:

An Act to repeal section 44.090, RSMo, and to enact in lieu thereof one new section relating to mutual-aid agreements.

Was called from the Consent Calendar and taken up by Senator Foster.

On motion of Senator Foster, **HB 307** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott

Shields	Steelman	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick	Stoll--3	
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Childers moved that **SB 423**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Childers, **SB 423**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Childers	Clemens	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--27	
	NAYS--Senators--None		
	Absent--Senators		

Bland	Champion	Quick	Russell
Yeckel--5			
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 2**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HB 2**.

PRIVILEGED MOTIONS

Senator Shields moved that **SCS** for **SB 281**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 281**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 281

An Act to repeal sections 49.370 and 49.380, RSMo, and to enact in lieu thereof one new section relating to county property.

Was taken up.

Senator Shields moved that **HCS** for **SCS** for **SB 281** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan	Quick	Russell--4

Coleman
Absent with leave--Senators
DePasco--2

On motion of Senator Shields, **HCS** for **SCS** for **SB 281** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

	NAYS--Senators--None	
	Absent--Senators	
Dolan	Quick	Russell--3
	Absent with leave--Senators	
Coleman	DePasco--2	

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that **SCS** for **SB 295**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 295**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 295

An Act to repeal sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, 140.420, and 140.440, RSMo, and to enact in lieu thereof fifteen new sections relating to delinquent taxes.

Was taken up.

Senator Shields moved that **HCS** for **SCS** for **SB 295** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey

Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Quick--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Shields, **HCS** for **SCS** for **SB 295** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Mathewson	Quick--3	
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bartle moved that **SB 465**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 465**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 465

An Act to repeal sections 50.640 and 477.600, RSMo, and to enact in lieu thereof two new sections relating to the judicial finance commission.

Was taken up.

Senator Bartle moved that **HCS** for **SB 465** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler--30		
NAYS--Senators--None			
Absent--Senators			
Dolan	Yeckel--2		
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Bartle, **HCS** for **SB 465** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Dolan	Jacob--2		
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 2**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 2

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Bill No. 2 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 2.
- That the House recede from its position on House Substitute for House Bill No. 2.
- That the attached Conference Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Kathlyn Fares
Yvonne S. Wilson
Chuck Graham

Senator Shields assumed the Chair.

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
	NAYS--Senators		
Bland	Bray	Days	Dougherty
Jacob	Kennedy	Quick	Stoll
Wheeler--9			
	Absent--Senator Dolan--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL No. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
NAYS--Senators			
Bland	Bray	Days	Dougherty
Jacob	Kennedy	Quick	Stoll
Wheeler--9			
Absent--Senator Dolan--1			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Clemens moved that **SB 504**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 504**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 504

An Act to repeal section 135.207, RSMo, and to enact in lieu thereof one new section relating to satellite enterprise zones.

Was taken up.

Senator Clemens moved that **HCS** for **SB 504** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			

Dolan	Mathewson--2
	Absent with leave--Senators
Coleman	DePasco--2

On motion of Senator Clemens, **HCS** for **SB 504** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Dolan--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Steelman moved that **SB 325**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 325**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 325

An Act to repeal sections 59.480, 59.490, and 160.360, RSMo, and to enact in lieu thereof three new sections relating to military affairs.

Was taken up.

Senator Steelman moved that **HCS** for **SB 325** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross

Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Steelman, **HCS** for **SB 325** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Mathewson--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bartle moved that **SB 468**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Bartle moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		

Absent--Senator Mathewson--1

Absent with leave--Senators

Coleman

DePasco--2

On motion of Senator Bartle, **SB 468**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

Coleman

DePasco--2

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bartle moved that **SB 474**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 474**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 474

An Act to repeal sections 488.426 and 488.429, RSMo, and to enact in lieu thereof two new sections relating to surcharges in civil case filings.

Was taken up.

Senator Bartle moved that **HCS** for **SB 474** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel

Wheeler	Yeckel--30
	NAYS--Senators--None
	Absent--Senators
Champion	Quick--2
	Absent with leave--Senators
Coleman	DePasco--2

On motion of Senator Bartle, **HCS** for **SB 474** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bray moved that **SB 301**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 301**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 301

An Act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed to repair lateral sewer service lines.

Was taken up.

Senator Bray moved that **HCS** for **SB 301** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Quick Stoll--2

Absent with leave--Senators

Coleman DePasco--2

On motion of Senator Bray, **HCS** for **SB 301** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senator Russell--1

Absent with leave--Senators

Coleman DePasco--2

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bland moved that **SCS** for **SB 666**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 666**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 666

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to intra-school district transfer policies.

Was taken up.

Senator Bland moved that **HCS** for **SCS** for **SB 666** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Mathewson--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Bland, **HCS** for **SCS** for **SB 666** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Griesheimer moved that **SS** for **SCS** for **SB 298**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 298**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 298

An Act to repeal sections 311.080, 311.097, 311.098, 311.102, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.401, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof nineteen new sections relating to liquor control, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **HCS** for **SS** for **SCS** for **SB 298**, as amended, be adopted.

At the request of Senator Griesheimer, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 3**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HB 3**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 3**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 3

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Bill No. 3 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 3.
- That the House recede from its position on House Substitute for House Bill No. 3.
- That the attached Conference Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Kathlyn Fares
Jeff Harris
Barbara Fraser

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel--23	
	NAYS--Senators		
Bray	Days	Jacob	Kennedy
Quick	Stoll	Wheeler--7	
	Absent--Senators		
Bland	Yeckel--2		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--24
	NAYS--Senators		
Bray	Days	Jacob	Kennedy
Quick	Stoll	Wheeler--7	
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted Conference Committee Report on **SCS** for **HS** for **HB 4**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HB 4**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 4**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL NO. 4

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Bill No. 4 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 4.
- That the House recede from its position on House Substitute for House Bill No. 4.
- That the attached Conference Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
Brad Roark
/s/ Denny Merideth
/s/ Robin W. Jones

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	

NAYS--Senators

Bray	Days	Jacob	Quick--4
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Absent--Senator Bland--1

Absent with leave--Senators

DePasco--2

Coleman

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--26		

NAYS--Senators

Bray	Days	Jacob	Quick
Wheeler--5			

Absent--Senator Bland--1

Absent with leave--Senators

DePasco--2

Coleman

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 13**. Representatives: Bearden, Lager, Yates, Walker and Hoskins.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the

following conferees to act with a like committee from the Senate on **HCS** for **HB 19**, as amended. Representatives: Bearden, Lager, Holand, Meiners and Schoemehl.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 5**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HB 5**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 5**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 5

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Bill No. 5 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 5.
- That the House recede from its position on House Substitute for House Bill No. 5.
- That the attached Conference Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
Brad Roark
/s/ Thomas A. Villa
/s/ Juanita Walton

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators			
Bray	Days	Jacob--3	
Absent--Senators--None			

Coleman

Absent with leave--Senators

DePasco--2

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators

Bray	Days	Jacob--3
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Absent--Senators--None

Absent with leave--Senators

Coleman

DePasco--2

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 613**, as amended.
Representatives: Byrd, Lipke, Ruestman, Johnson 61, Johnson 90.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the

following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HB 668**, as amended.
Representatives: Crawford, Threlkeld, Black, Green and Young.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 186**. Representatives: Munzlinger, Johnson 47, Angst, Bringer and Jolly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 246**, as amended. Representatives: Rector, Emery, Richard, Willoughby and LeVota.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 6**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HB 6**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 6**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL NO. 6

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Bill No. 6 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 6.
- That the House recede from its position on House Substitute for House Bill No. 6.
- That the attached Conference Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ John Quinn
/s/ Jim Whorton
/s/ Wes Shoemyer

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--26		
	NAYS--Senators		
Bray	Days	Jacob	Quick
Wheeler--5			
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--26		
	NAYS--Senators		
Bray	Days	Jacob	Quick
Wheeler--5			
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 7** and has taken up and passed **CCS** for **SCS** for **HS** for **HB 7**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 7**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 7

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Bill No. 7 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 7.
- That the House recede from its position on House Substitute for House Bill No. 7.
- That the attached Conference Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Lanie Black
/s/ Amber Boykins
/s/ Jenee` Lowe

Senator Russell moved that the above conference committee report be adopted.

Senator Bland offered the following substitute motion, which was read:

I move that the Senate refuse to adopt the Conference Committee Report on **CCS** for **SCS** for **HS** for **HB 7** and request that the House grant further conference thereon, and the Senate conferees be instructed to adopt the following amendment:

"To amend **CCS** for **SCS** for **HS** for **HB 7**, Page 6, Section 7.055, Line 4, by inserting after the word "projects:" the following: "Blue Parkway Town Center,"; and

Adjust bill totals accordingly.

Senator Bland requested a roll call vote be taken on the adoption of the substitute motion. She was joined in her

request by Senators Bray, Dougherty, Mathewson and Stoll.

The substitute motion failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Days	Dougherty
Jacob	Mathewson	Quick	Stoll
Wheeler--9			
NAYS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Vogel			
Yeckel--22			
Absent--Senator Kennedy--1			
Absent with leave--Senators			
Coleman	DePasco--2		

Senator Russell moved that the Conference Committee Report on **SCS** for **HS** for **HB 7** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel			
Yeckel--26			
NAYS--Senators			
Bland	Bray	Days	Jacob
Quick			
Wheeler--6			
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--25			

NAYS--Senators

Bland	Bray	Days	Jacob
Quick	Stoll	Wheeler--7	

Absent--Senators--None

Absent with leave--Senators

Coleman	DePasco--2
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The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 8**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HB 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HS** for **HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 10**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HB 10**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 8**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 8

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Bill No. 8 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 8.
- That the House recede from its position on House Substitute for House Bill No. 8.
- That the attached Conference Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Danielle Moore
/s/ Frank A. Barnitz
/s/ Ed Wildberger

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--25			

NAYS--Senators

Bray	Days	Jacob	Quick
Stoll	Wheeler--6		

Absent--Senator Bland--1

Absent with leave--Senators

Coleman	DePasco--2
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On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the

Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--25			
NAYS--Senators			
Bray	Days	Jacob	Quick
Stoll	Wheeler--6		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 9**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 9

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Bill No. 9 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 9.
- That the House recede from its position on House Substitute for House Bill No. 9.
- That the attached Conference Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell

/s/ Charles R. Gross

FOR THE HOUSE:

/s/ Carl Bearden

/s/ Brad Lager

/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

/s/ Danie Moore
Gary Kelly
Dan Ward

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	NAYS--Senators		
Bland	Bray	Days	Jacob--4
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--27	
	NAYS--Senators		
Bland	Bray	Days	Jacob
Wheeler--5			
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 10**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 10

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Bill No. 10 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 10.
- That the House recede from its position on House Substitute for House Bill No. 10.
- That the attached Conference Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Chuck Purgason
Vicky Riback Wilson
Connie Johnson

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Gross	Kinder
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			

	NAYS--Senators		
Bland	Bray	Days	Dougherty
Griesheimer	Jacob	Kennedy	Quick
Stoll	Wheeler--10		

	Absent--Senator Klindt--1	
	Absent with leave--Senators	
Coleman	DePasco--2	

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--23	

NAYS--Senators

Bland	Bray	Days	Dougherty
Jacob	Kennedy	Quick	Stoll
Wheeler--9			

Absent--Senators--None

Absent with leave--Senators

Coleman	DePasco--2
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The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 11**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HB 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 12**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HB 12**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees on **HCS** for **HB 19** as amended are allowed to exceed the differences by allowing them to include a provision concerning the Pierce City Armory and the DeSoto Armory.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 69** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 69**. Representatives: Baker, St. Onge, Angst, Bland and Dougherty.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 11**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 11

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Bill No. 11 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 11.
- That the House recede from its position on House Substitute for House Bill No. 11.
- That the attached Conference Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Chuck Purgason
Marsha Campbell
Sharon Sanders Brooks

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Goode

Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
	NAYS--Senators		
Bland	Bray	Caskey	Days
Dougherty	Foster	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
	NAYS--Senators		
Bland	Bray	Caskey	Days
Dougherty	Foster	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 12**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 12

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Bill No. 12 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 12.
- That the House recede from its position on House Substitute for House Bill No. 12.
- That the attached Conference Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
Brad Roark
Margaret Donnelly
Rachel Bringer

Senator Shields assumed the Chair.

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
	NAYS--Senators		
Bland	Bray	Caskey	Days
Jacob	Kennedy	Quick	Wheeler--8
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco--2		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and

Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
NAYS--Senators			
Bland	Bray	Caskey	Days
Jacob	Kennedy	Quick	Wheeler--8
Absent--Senators--None			
Absent with leave--Senators			
Coleman	DePasco--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell moved that the conferees be allowed to exceed the differences on **HCS** for **HB 19**, as amended, by allowing them to include a provision concerning the Pierce City Armory and the DeSoto Armory, which motion prevailed.

RESOLUTIONS

Senator Dolan offered Senate Resolution No. 906, regarding the Lincoln County Medical Center, Troy, which was adopted.

Senator Bartle offered Senate Resolution No. 907, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Dale F. Swenson, Blue Springs, which was adopted.

Senator Caskey offered Senate Resolution No. 908, regarding Amy Wood, Freeman, which was adopted.

Senator Bray offered Senate Resolution No. 909, regarding Samantha Sanchez, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 910, regarding Paul Courter, Clayton, which was adopted.

Senator Dolan offered Senate Resolution No. 911, regarding Corrie McWilliams, Augusta, which was adopted.

Senator Dolan offered Senate Resolution No. 912, regarding Rachel Josar, St. Charles, which was adopted.

Senator Dolan offered Senate Resolution No. 913, regarding Rachel Fredrick, O'Fallon, which was adopted.

Senator Vogel offered Senate Resolution No. 914, regarding Corrections Officer I Laurie Ann Edwards, Syracuse, which was adopted.

Senator Vogel offered Senate Resolution No. 915, regarding the Eightieth Birthday of George W. Parker, Columbia, which was adopted.

Senator Vogel offered Senate Resolution No. 916, regarding Rick Edwards, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Elizabeth Cavanaugh, M.D., St. Louis.

Senator Dougherty introduced to the Senate, his granddaughter, Dana McFarlane; his daughter, Bridget Dougherty; and April Brown, St. Louis; and Dana was made an honorary page.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTIETH DAY-FRIDAY, MAY 9, 2003

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

1. HS for HB 470-Mayer,

with SCS (Bartle)

2. HB 198-Stevenson, et al

(Nodler)

3. HS for HB 197-Johnson (47),
with SCS & SCA 1 (Shields)
4. HS for HCS for HB 564-
Behnen, with SCS (Yeckel)
5. HS for HCS for HB 228-
Pearce, with SCS (Goode)
6. HB 598-Schlottach, et al,
with SCS (Dolan)
7. HB 327-Lipke, with
SCS (Dolan)
8. HCS for HB 185, with
SCS (Gross)
9. HB 91-Mayer, with SCS
(Steelman)
10. HS for HCS for HBs 679 &
396-Hanaway (Shields)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)
- SB 24-Steelman, with SCS
& SS for SCS (pending)
- SB 27-Gibbons, with SCS
- SB 33-Loudon and Scott,
with SS (pending)
- SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 209-Steelman, et al, with SCS

SB 217-Champion and Clemens,

with SS (pending)

SB 241-Yeckel, with SCS

SB 253-Steelman, et al, with SCS,

SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SBs 312, 49, 111, 113, 191, 206,

263, 404, 409, 418, 538, 550 &

584-Dolan, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,

331, 368, 369, 419, 484 &

581-Dolan, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan, with

SCS & SS for SCS

(pending)

SBs 415, 88, 200, 223, 413, 523,

589 & 626-Yeckel, with SCS

SB 416-Yeckel, with SCS

SB 434-Yeckel, with SCS

SB 436-Klindt, with SCS, SS for

SCS & SA 2 (pending)

SB 446-Bartle, with SCS

SB 449-Bartle

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2

(pending)

SB 455-Dougherty and Shields

SB 458-Childers

SB 460-Loudon, with SS &

SA 1 (pending)

SB 476-Jacob

SB 485-Shields, with SCS

SB 531-Childers, with SCS

SB 564-Gross

SB 685-Gibbons, et al, with SCS

SB 693-Klindt, et al, with SCS

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 144, with SCS

(Vogel)

HB 208-Engler, et al,

with SCS (Kinder)

HS for HCS for HB 257-

Munzlinger, with SCS

(Cauthorn)

HB 286-Bearden, with SCS

(Shields)

HCS for HB 288, with SCS

(Shields)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HB 412-Goodman, et al (Childers)

HB 444-Jackson, with SCS (Yeckel)

HB 445-Portwood, et al,

with SCS (Loudon)

HS for HCS for HBs 517, 94,

149, 150 & 342-Portwood,

with SCS (Gross)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 505-Byrd and Villa,
with SCS (Mathewson)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 298-
Griesheimer, with HCS,
as amended

SCS for SB 358-Shields,
with HCS

SB 370-Foster, with HCS

SB 470-Bartle, with HCS

SB 521-Gross, with HCS

SCS for SB 592-Foster,
with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 36-Klindt,

with HCS, as amended

SCS#2 for SB 52-Shields,

with HCS

(Senate adopted CCR

and passed CCS)

SCS for SB 69-Yeckel and

Nodler, with HCS

SB 186-Cauthorn, with HCS

SCS for SB 246-Steelman, et al,

with HS for HCS, as amended

SCS for SBs 299 & 40-Champion,

et al, with HS, as amended

SCS for SB 379-Champion, with HCS

SB 394-Bartle, with HCS, as amended

SB 401-Dolan, et al, with HCS

SB 407-Klindt, with HCS

(Senate adopted CCR

and passed CCS)

SB 448-Bartle, with HCS

SB 552-Yeckel, with HCS

HCS for HB 13, with SCS

(Russell)

HCS for HB 19, with SCA 1

(Russell)

HCS for HB 289, with SS for

SCS, as amended (Steelman)

HCS for HB 427, with SCS (Bartle)

HS for HB 511-Deeken, with SS

for SCS, as amended (Yeckel)

HCS for HB 600, with SS for SS

for SCS, as amended (Shields)

HCS for HB 613, with SCS,

as amended (Bartle)

HS for HB 668-Crawford, with

SS for SCS, as amended (Dolan)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al

SCR 18-Mathewson and Steelman

HCR 11-Moore and Walton

(Bland)

SR 900-Mathewson

SCR 20-Foster

SCR 21-Cauthorn and Clemens,

et al

HCR 3-Townley

HCR 5-Townley

HCR 32-Miller

Journal of the Senate

FIRST REGULAR SESSION

SEVENTIETH DAY--FRIDAY, MAY 9, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Answer me, O Lord, for your love is kind; in your great compassion, turn to me." (Psalm 69:18)

Merciful Father, the clock keeps ticking and deadlines approach and there seems so much to do but we trust that in Your compassion You will lead us to the decisions that must be made and ways to do what is truly necessary before us. Keep watch over us this day as we complete our work and return to those who love us. And may we be found in Your presence and blessed with Your peace. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the
day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
Absent with leave--Senators			
Coleman	DePasco	Dolan--3	

RESOLUTIONS

Senators Gross and Dolan offered Senate Resolution No. 917, regarding the St. Charles County Relay for Life, which was adopted.

Senator Bland offered Senate Resolution No. 918, regarding the Ninetieth Birthday of Leo McKamey, Kansas City,

which was adopted.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **SCR 17** be taken up for adoption, which motion prevailed.

Senator Shields assumed the Chair.

On motion of Senator Cauthorn, **SCR 17** was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Coleman	DePasco	Dolan--3	

Senator Foster moved that **SCR 20** be taken up for adoption, which motion prevailed.

On motion of Senator Foster, **SCR 20** was adopted by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Bray	Jacob	Kinder
Quick--5			
	Absent with leave--Senators		
Coleman	DePasco	Dolan--3	

Senator Cauthorn moved that **SCR 21** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **SCR 21** was adopted by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Klindt	Loudon

Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Bray	Jacob	Kinder
Quick--5			
	Absent with leave--Senators		
Coleman	DePasco	Dolan--3	

RESOLUTIONS

Senators Steelman, Kennedy, Bartle, Dougherty, Goode, Wheeler, Coleman, Dolan, Gross, Yeckel, Kinder, Stoll, Loudon and Gibbons offered the following resolution:

SENATE RESOLUTION NO. 919

WHEREAS, the State of Missouri and its political subdivisions is faced with recruitment and retention of highly trained and motivated police officers; and

WHEREAS, Missouri benefits from its political subdivisions having the highest quality police force possible:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, hereby establish the "Interim Committee on Police Officer Residency"; and

BE IT FURTHER RESOLVED that the Committee shall be composed of five members of the Senate to be appointed by the President Pro Tem of the Senate, and no more than three members of such committee shall be from the same political party; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the rules and policies concerning police officer residency requirements currently in place in political subdivisions within the State of Missouri, discover methods to attract new police officers, and retain existing officers, in order to uncover potential barriers in the recruitment and retention of exceptional police officers to best serve and protect the welfare of the citizens of the State of Missouri; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri Senate by January 1, 2004.

Senator Bartle offered Senate Resolution No. 920, regarding Megan Creswell, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 921, regarding Megan Kurtz, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 922, regarding Taylor Hill, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 923, regarding Brianni Mullen, Greenwood, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 564** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Bartle assumed the Chair.

On motion of Senator Gross, **SB 564** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCS** for **HB 16** and has taken up and passed **HCS** for **HB 16**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 13** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 13**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 17** and has taken up and passed **SCS** for **HCS** for **HB 17**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1**, **SCA 2** to **HCS** for **HB 18** and has taken up and passed **HCS** for **HB 18**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **HB 19**, as amended, and has taken up and passed **CCS** **No. 2** for **HCS** for **HB 19**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 13**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 13

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 13 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 13.
- That the House recede from its position on House Committee Substitute for House Bill No. 13.
- That the attached Conference Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

/s/ Carl Bearden
/s/ Brad Lager
/s/ Brian Yates
/s/ Theodore Hoskins
/s/ Vicki Walker

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Quick	Scott--2		
	Absent with leave--Senators		
Coleman	DePasco	Dolan--3	

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 13**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 13An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		

	Absent--Senators	
Loudon	Quick--2	
	Absent with leave--Senators	
Coleman	DePasco	Dolan--3

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **HB 19**, as amended, moved that the following conference committee report no. 2 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 19

The Conference Committee appointed on House Committee Substitute for House Bill No. 19 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Amendment No. 1 for House Committee Substitute for House Bill No. 19.
- That the House recede from its position on House Committee Substitute for House Bill No. 19.
- That the attached Conference Committee Substitute No. 2 for House Bill No. 19, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
Roy W. Holand
/s/ Kate Meiners
/s/ Sue Schoemehl

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel--29

NAYS--Senators--None

	Absent--Senators	
Goode	Mathewson--2	
	Absent with leave--Senators	
Coleman	DePasco	Dolan--3

On motion of Senator Russell, **CCS No. 2** for **HCS** for **HB 19**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 19An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	DePasco	Dolan--3	

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 298**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Childers assumed the Chair.

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 552** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 552

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 552 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate No. 552;
2. That the Senate recede from its position on Senate Bill No. 552;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 552, be Third Read and Finally Passed.

FOR THE SENATE :

/s/ Anita Yeckel
/s/ John Loudon
/s/ John Cauthorn
/s/ James Mathewson
Maida Coleman

FOR THE HOUSE:

/s/ Richard Byrd
/s/ Todd Smith
/s/ Marilyn Ruestman
Esther Haywood
/s/ Margaret Donnelly

Senator Yeckel moved that the above conference committee report be adopted.

At the request of Senator Yeckel, the above motion was withdrawn.

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 448** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 448

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 448 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 448;
2. That the Senate recede from its position on Senate Bill No. 448;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 448, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Matt Bartle
/s/ David G. Klindt

FOR THE HOUSE:

/s/ Richard Byrd
/s/ Jack A. L. Goodman

/s/ John Loudon
/s/ Ken Jacob
/s/ Harold Caskey

/s/ Jason Crowell
/s/ Connie Johnson
/s/ Robert Harris

Senator Bartle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

	NAYS--Senators--None	
	Absent--Senators	
Bland	Quick--2	
	Absent with leave--Senators	
Coleman	DePasco	Dolan--3

On motion of Senator Bartle, **CCS** for **HCS** for **SB 448**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 448

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to the statewide court automation fund, with penalty provisions and an expiration date.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
Coleman	DePasco	Dolan--3	

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SR 919** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

PRIVILEGED MOTIONS

Senator Cauthorn, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 186** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 186

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 186, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 186;
2. That the Senate recede from its position on Senate Bill No. 186;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 186, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Cauthorn
/s/ Charlie Shields
/s/ Matt Bartle
/s/ Ed Quick
/s/ Harry Kennedy

FOR THE HOUSE:

/s/ Brian Munzlinger
/s/ Bob Johnson
/s/ Randy Angst
/s/ Cathy Jolly
/s/ Rachel L. Bringer

Senator Cauthorn moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Bland--1		

Absent with leave--Senators

Coleman

DePasco

Dolan--3

On motion of Senator Cauthorn, **CCS** for **HCS** for **SB 186**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 186

An Act to repeal sections 59.041, 59.042, and 483.015, RSMo, and to enact in lieu thereof three new sections relating to recorders of deeds and other county offices.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators

Coleman

DePasco

Dolan--3

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 138**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HB 481**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 655**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 189**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 414**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 454**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS** for **HCS** for **HB 121**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 564**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 69**: Senators Yeckel, Nodler, Scott, Kennedy and Wheeler.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 246**, as amended: Senators Steelman, Goode, Griesheimer, Klindt and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 613**, as amended: Senators Bartle, Yeckel, Dolan, Wheeler and Caskey.

HOUSE BILLS ON THIRD READING

HS for **HB 470**, with **SCS**, was placed on the Informal Calendar.

HB 198 was placed on the Informal Calendar.

HS for **HB 197**, with **SCS** and **SCA 1**, was placed on the Informal Calendar.

HS for **HCS** for **HB 564**, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HB 228**, with **SCS**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to unsolicited commercial electronic mail, with penalty provisions.

Was taken up by Senator Goode.

SCS for **HS** for **HCS** for **HB 228**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 228

An Act to amend chapter 407, RSMo, by adding thereto four new sections relating to unsolicited commercial electronic mail, with penalty provisions.

Was taken up.

Senator Goode moved that **SCS** for **HS** for **HCS** for **HB 228** be adopted.

Senator Steelman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 228, Page 2, Section 407.1135, Line 25, by striking the word "ongoing" and inserting in lieu thereof the word "**established**".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 228, Page 1, In the Title, Line 3, by striking the words "unsolicited commercial electronic mail" and inserting in lieu thereof the words "the internet"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"386.020. As used in this chapter, the following words and phrases mean:

- (1) "Alternative local exchange telecommunications company", a local exchange telecommunications company certified by the commission to provide basic or nonbasic local telecommunications service or switched exchange access service, or any combination of such services, in a specific geographic area subsequent to December 31, 1995;
- (2) "Alternative operator services company", any certificated interexchange telecommunications company which receives more than forty percent of its annual Missouri intrastate telecommunications service revenues from the provision of operator services pursuant to operator services contracts with traffic aggregators;
- (3) "Basic interexchange telecommunications service", includes, at a minimum, two-way switched voice service

between points in different local calling scopes as determined by the commission and shall include other services as determined by the commission by rule upon periodic review and update;

(4) "Basic local telecommunications service", two-way switched voice service within a local calling scope as determined by the commission comprised of any of the following services and their recurring and nonrecurring charges:

- (a) Multiparty, single line, including installation, touchtone dialing, and any applicable mileage or zone charges;
- (b) Assistance programs for installation of, or access to, basic local telecommunications services for qualifying economically disadvantaged or disabled customers or both, including, but not limited to, lifeline services and link-up Missouri services for low-income customers or dual-party relay service for the hearing impaired and speech impaired;
- (c) Access to local emergency services including, but not limited to, 911 service established by local authorities;
- (d) Access to basic local operator services;
- (e) Access to basic local directory assistance;
- (f) Standard intercept service;
- (g) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission;
- (h) One standard white pages directory listing.

Basic local telecommunications service does not include optional toll free calling outside a local calling scope but within a community of interest, available for an additional monthly fee or the offering or provision of basic local telecommunications service at private shared-tenant service locations;

(5) "Cable television service", the one-way transmission to subscribers of video programming or other programming service and the subscriber interaction, if any, which is required for the selection of such video programming or other programming service;

(6) "Carrier of last resort", any telecommunications company which is obligated to offer basic local telecommunications service to all customers who request service in a geographic area defined by the commission and cannot abandon this obligation without approval from the commission;

(7) "Commission", the "Public Service Commission" hereby created;

(8) "Commissioner", one of the members of the commission;

(9) "Competitive telecommunications company", a telecommunications company which has been classified as such by the commission pursuant to section 392.361, RSMo;

(10) "Competitive telecommunications service", a telecommunications service which has been classified as such by the commission pursuant to section 392.361, RSMo, or which has become a competitive telecommunications service pursuant to section 392.370, RSMo;

(11) "Corporation" includes a corporation, company, association and joint stock association or company;

(12) "Customer-owned pay telephone", a privately owned telecommunications device that is not owned, leased or otherwise controlled by a local exchange telecommunications company and which provides telecommunications services for a use fee to the general public;

(13) "Effective competition" shall be determined by the commission based on:

- (a) The extent to which services are available from alternative providers in the relevant market;
 - (b) The extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms and conditions;
 - (c) The extent to which the purposes and policies of chapter 392, RSMo, including the reasonableness of rates, as set out in section 392.185, RSMo, are being advanced;
 - (d) Existing economic or regulatory barriers to entry; and
 - (e) Any other factors deemed relevant by the commission and necessary to implement the purposes and policies of chapter 392, RSMo;
- (14) "Electric plant" includes all real estate, fixtures and personal property operated, controlled, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat or power; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power;
- (15) "Electrical corporation" includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, other than a railroad, light rail or street railroad corporation generating electricity solely for railroad, light rail or street railroad purposes or for the use of its tenants and not for sale to others, owning, operating, controlling or managing any electric plant except where electricity is generated or distributed by the producer solely on or through private property for railroad, light rail or street railroad purposes or for its own use or the use of its tenants and not for sale to others;
- (16) "Exchange", a geographical area for the administration of telecommunications services, established and described by the tariff of a telecommunications company providing basic local telecommunications service;
- (17) "Exchange access service", a service provided by a local exchange telecommunications company which enables a telecommunications company or other customer to enter and exit the local exchange telecommunications network in order to originate or terminate interexchange telecommunications service;
- (18) "Gas corporation" includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any gas plant operating for public use under privilege, license or franchise now or hereafter granted by the state or any political subdivision, county or municipality thereof;
- (19) "Gas plant" includes all real estate, fixtures and personal property owned, operated, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale or furnishing of gas, natural or manufactured, for light, heat or power;
- (20) "Heating company" includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers, appointed by any court whatsoever, owning, operating, managing or controlling any plant or property for manufacturing and distributing and selling, for distribution, or distributing hot or cold water, steam or currents of hot or cold air for motive power, heating, cooking, or for any public use or service, in any city, town or village in this state; provided, that no agency or authority created by or operated pursuant to an interstate compact established pursuant to section 70.370, RSMo, shall be a heating company or subject to regulation by the commission;
- (21) "High-cost area", a geographic area, which shall follow exchange boundaries and be no smaller than an exchange nor larger than a local calling scope, where the cost of providing basic local telecommunications service as determined by the commission, giving due regard to recovery of an appropriate share of joint and common costs as well as those costs related to carrier of last resort obligations, exceeds the rate for basic local telecommunications service found reasonable by the commission;

(22) "High-speed Internet access service" or "broadband service", those services and underlying facilities related thereto, to the extent utilized to provide upstream, from customer to provider, or downstream, from provider to customer, transmission in excess of one hundred forty-four kilobits per second to or from the Internet, or are utilized to transmit information, in excess of one hundred forty-four kilobits per second, regardless of the technology or medium used, including but not limited to, wireless, copper wire, fiber optic cable, or coaxial cable, to provide such service, to provide such service provided, however, that voice services and underlying facilities related thereto to the extent used to provide voice services are not included;

(23) "Incumbent local exchange telecommunications company", a local exchange telecommunications company authorized to provide basic local telecommunications service in a specific geographic area as of December 31, 1995, or a successor in interest to such a company;

[(23)] (24) "Interexchange telecom-munications company", any company engaged in the provision of interexchange telecommunications service;

[(24)] (25) "Interexchange telecom-munications service", telecommunications service between points in two or more exchanges;

[(25)] (26) "InterLATA", interexchange telecommunications service between points in different local access and transportation areas;

[(26)] (27) "IntraLATA", interexchange telecommunications service between points within the same local access and transportation area;

[(27)] (28) "Light rail" includes every rail transportation system in which one or more rail vehicles are propelled electrically by overhead catenary wire upon tracks located substantially within an urban area and are operated exclusively in the transportation of passengers and their baggage, and including all bridges, tunnels, equipment, switches, spurs, tracks, stations, used in connection with the operation of light rail;

[(28)] (29) "Line" includes route;

[(29)] (30) "Local access and transportation area" or "LATA", contiguous geographic area approved by the U.S. District Court for the District of Columbia in United States v. Western Electric, Civil Action No. 82-0192 that defines the permissible areas of operations for the Bell Operating companies;

[(30)] (31) "Local exchange telecom-munications company", any company engaged in the provision of local exchange telecommunications service. A local exchange telecommunications company shall be considered a "large local exchange telecommunications company" if it has at least one hundred thousand access lines in Missouri and a "small local exchange telecommunications company" if it has less than one hundred thousand access lines in Missouri;

[(31)] (32) "Local exchange telecom-munications service", telecommunications service between points within an exchange;

[(32)] (33) "Long-run incremental cost", the change in total costs of the company of producing an increment of output in the long run when the company uses least cost technology, and excluding any costs that, in the long run, are not brought into existence as a direct result of the increment of output. The relevant increment of output shall be the level of output necessary to satisfy total current demand levels for the service in question, or, for new services, demand levels that can be demonstrably anticipated;

[(33)] (34) "Municipality" includes a city, village or town;

[(34)] (35) "Nonbasic telecommunications services" shall be all regulated telecommunications services other than basic local and exchange access telecommunications services, and shall include the services identified in paragraphs (d) and (e) of subdivision (4) of this section. Any retail telecommunications service offered for the first time after August 28, 1996, shall be classified as a nonbasic telecommunications service, including any new service which does not replace

an existing service;

[(35)] **(36)** "Noncompetitive telecom-munications company", a telecommunications company other than a competitive telecommunications company or a transitionally competitive telecommunications company;

[(36)] **(37)** "Noncompetitive telecom-munications service", a telecommunications service other than a competitive or transitionally competitive telecommunications service;

[(37)] **(38)** "Operator services", operator-assisted interexchange telecommunications service by means of either human or automated call intervention and includes, but is not limited to, billing or completion of calling card, collect, person-to-person, station-to-station or third number billed calls;

[(38)] **(39)** "Operator services contract", any agreement between a traffic aggregator and a certificated interexchange telecommunications company to provide operator services at a traffic aggregator location;

[(39)] **(40)** "Person" includes an individual, and a firm or copartnership;

[(40)] **(41)** "Private shared tenant services" includes the provision of telecommunications and information management services and equipment within a user group located in discrete private premises as authorized by the commission by a commercial-shared services provider or by a user association, through privately owned customer premises equipment and associated data processing and information management services and includes the provision of connections to the facilities of local exchange telecommunications companies and to interexchange telecommunications companies;

[(41)] **(42)** "Private telecommunications system", a telecommunications system controlled by a person or corporation for the sole and exclusive use of such person, corporation or legal or corporate affiliate thereof;

[(42)] **(43)** "Public utility" includes every pipeline corporation, gas corporation, electrical corporation, telecommunications company, water corporation, heat or refrigerating corporation, and sewer corporation, as these terms are defined in this section, and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this chapter;

[(43)] **(44)** "Railroad" includes every railroad and railway, other than street railroad or light rail, by whatsoever power operated for public use in the conveyance of persons or property for compensation, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, real estate and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad;

[(44)] **(45)** "Railroad corporation" includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, holding, operating, controlling or managing any railroad or railway as defined in this section, or any cars or other equipment used thereon or in connection therewith;

[(45)] **(46)** "Rate", every individual or joint rate, fare, toll, charge, reconsigning charge, switching charge, rental or other compensation of any corporation, person or public utility, or any two or more such individual or joint rates, fares, tolls, charges, reconsigning charges, switching charges, rentals or other compensations of any corporation, person or public utility or any schedule or tariff thereof;

[(46)] **(47)** "Resale of telecommunications service", the offering or providing of telecommunications service primarily through the use of services or facilities owned or provided by a separate telecommunications company, but does not include the offering or providing of private shared tenant services;

[(47)] **(48)** "Service" includes not only the use and accommodations afforded consumers or patrons, but also any product or commodity furnished by any corporation, person or public utility and the plant, equipment, apparatus, appliances, property and facilities employed by any corporation, person or public utility in performing any service or in furnishing any product or commodity and devoted to the public purposes of such corporation, person or public utility, and to the use and accommodation of consumers or patrons;

[(48)] **(49)** "Sewer corporation" includes every corporation, company, association, joint stock company or association, partnership or person, their lessees, trustees or receivers appointed by any court, owning, operating, controlling or managing any sewer system, plant or property, for the collection, carriage, treatment, or disposal of sewage anywhere within the state for gain, except that the term shall not include sewer systems with fewer than twenty-five outlets;

[(49)] **(50)** "Sewer system" includes all pipes, pumps, canals, lagoons, plants, structures and appliances, and all other real estate, fixtures and personal property, owned, operated, controlled or managed in connection with or to facilitate the collection, carriage, treatment and disposal of sewage for municipal, domestic or other beneficial or necessary purpose;

[(50)] **(51)** "Street railroad" includes every railroad by whatsoever type of power operated, and all extensions and branches thereof and supplementary facilities thereto by whatsoever type of vehicle operated, for public use in the conveyance of persons or property for compensation, mainly providing local transportation service upon the streets, highways and public places in a municipality, or in and adjacent to a municipality, and including all cars, buses and other rolling stock, equipment, switches, spurs, tracks, poles, wires, conduits, cables, subways, tunnels, stations, terminals and real estate of every kind used, operated or owned in connection therewith but this term shall not include light rail as defined in this section; and the term "street railroad" when used in this chapter, shall also include all motor bus and trolley bus lines and routes and similar local transportation facilities, and the rolling stock and other equipment thereof and the appurtenances thereto, when operated as a part of a street railroad or trolley bus local transportation system, or in conjunction therewith or supplementary thereto, but such term shall not include a railroad constituting or used as part of a trunk line railroad system and any street railroad as defined above which shall be converted wholly to motor bus operation shall nevertheless continue to be included within the term "street railroad" as used herein;

[(51)] **(52)** "Telecommunications company" includes telephone corporations as that term is used in the statutes of this state and every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any facilities used to provide telecommunications service for hire, sale or resale within this state;

[(52)] **(53)** "Telecommunications facilities" includes lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances and all devices, real estate, easements, apparatus, property and routes used, operated, controlled or owned by any telecommunications company to facilitate the provision of telecommunications service;

[(53)] **(54)** "Telecommunications service", the transmission of information by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include:

(a) The rent, sale, lease, or exchange for other value received of customer premises equipment except for customer premises equipment owned by a telephone company certificated or otherwise authorized to provide telephone service prior to September 28, 1987, and provided under tariff or in inventory on January 1, 1983, which must be detariffed no later than December 31, 1987, and thereafter the provision of which shall not be a telecommunications service, and except for customer premises equipment owned or provided by a telecommunications company and used for answering 911 or emergency calls;

(b) Answering services and paging services;

(c) The offering of radio communication services and facilities when such services and facilities are provided under a license granted by the Federal Communications Commission under the commercial mobile radio services rules and regulations;

(d) Services provided by a hospital, hotel, motel, or other similar business whose principal service is the provision of temporary lodging through the owning or operating of message switching or billing equipment solely for the purpose

of providing at a charge telecommunications services to its temporary patients or guests;

(e) Services provided by a private telecommunications system;

(f) Cable television service;

(g) The installation and maintenance of inside wire within a customer's premises;

(h) Electronic publishing services; or

(i) Services provided pursuant to a broadcast radio or television license issued by the Federal Communications Commission;

[(54)] **(55)** "Telephone cooperative", every corporation defined as a telecommunications company in this section, in which at least ninety percent of those persons and corporations subscribing to receive local telecommunications service from the corporation own at least ninety percent of the corporation's outstanding and issued capital stock and in which no subscriber owns more than two shares of the corporation's outstanding and issued capital stock;

[(55)] **(56)** "Traffic aggregator", any person, firm, partnership or corporation which furnishes a telephone for use by the public and includes, but is not limited to, telephones located in rooms, offices and similar locations in hotels, motels, hospitals, colleges, universities, airports and public or customer-owned pay telephone locations, whether or not coin operated;

[(56)] **(57)** "Transitionally competitive telecommunications company", an interexchange telecommunications company which provides any noncompetitive or transitionally competitive telecommunications service, except for an interexchange telecommunications company which provides only noncompetitive telecommunications service;

[(57)] **(58)** "Transitionally competitive tele-communications service", a telecommunications service offered by a noncompetitive or transitionally competitive telecommunications company and classified as transitionally competitive by the commission pursuant to section 392.361 or 392.370, RSMo;

[(58)] **(59)** "Water corporation" includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling or managing any plant or property, dam or water supply, canal, or power station, distributing or selling for distribution, or selling or supplying for gain any water;

[(59)] **(60)** "Water system" includes all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, operated, controlled or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing or carriage of water for municipal, domestic or other beneficial use.

392.261. 1. A provider of high-speed Internet access service or broadband service may elect, upon providing written notice to the commission, to provide high-speed Internet access service or broadband service on a nonregulated basis. With regard to those providers electing to provide high-speed Internet access service or broadband service on a nonregulated basis, the commission shall not, by entering any order, adopting any rule, or otherwise taking any agency action, impose any regulation upon a provider of high-speed Internet access service or broadband service in its provision of such service, regardless of technology or medium used to provide such service. Nothing in this section shall affect the commission's authority to regulate the rates, terms, and conditions of any voice telecommunications service as otherwise authorized under chapter 386, RSMo, and this chapter. Nothing in this section is intended to affect the commission's authority to regulate voice telecommunications services or the commission's authority to regulate copper loops for use by telecommunications providers pursuant to Federal Communications Commission's regulations.

2. An incumbent local exchange telecommunications company subject to the provisions of 47 U.S.C. Section 251(c) shall be required to provide access to unbundled network elements related to high-speed Internet access

service or broadband service, including but not limited to loops, subloops, and collocation space within the facilities of the incumbent local exchange telecommunication company only to the extent required to implement the Federal Communications Commission regulations.

3. Notwithstanding any provision of this section to the contrary, nothing in this section shall affect the commission's authority, to the extent otherwise provided in chapter 386, RSMo, and this chapter:

- (1) To consider whether high-speed Internet access service and broadband service should be included in its definition of essential local telecommunications service pursuant to section 392.248;
- (2) To establish or approve rates, terms, or conditions, in accordance with chapter 386, RSMo, and this chapter, for the use of a telecommunications company's facilities by a provider of high-speed Internet service or broadband service for the origination, termination, or transport of telecommunications services; or
- (3) To consider whether revenues received by a telecommunications company from the provision of high-speed Internet access service or broadband service should be included in Missouri jurisdictional telecommunications services revenues for the purposes of imposing assessments in accordance with law, including but not limited to section 386.370, RSMo, and section 392.248.

4. A telecommunications company offering telecommunications services to Internet service providers shall make such offerings available to all Internet service providers on a nondiscriminatory basis as set forth in section 392.200."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 2** is out of order as it goes beyond the scope and title of the bill.

Senator Gross assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bartle assumed the Chair.

Senator Goode moved that **SCS** for **HS** for **HCS** for **HB 228**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HS** for **HCS** for **HB 228**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators			
Coleman	DePasco	Dolan	Dougherty--4

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 555**, entitled:

An Act to repeal section 91.030, RSMo, and to enact in lieu thereof two new sections relating to the supply of electrical power and energy to aluminum smelting facilities, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 298**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 298**, as amended.
Representatives: Johnson (47), Engler, Emery, Villa, Jolly.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 298**, as amended: Senators Griesheimer, Childers, Steelman, Mathewson and Stoll.

PRIVILEGED MOTIONS

Senator Yeckel moved that the Senate request the House to grant further conference on **HCS** for **SB 552**, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 289**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 289**.

Emergency clause adopted.

PRIVILEGED MOTIONS

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 289**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 289

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, with Senate Amendments Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, as amended;
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 289;
- 3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Sarah Steelman	/s/ Tom Dempsey
/s/ David G. Klindt	/s/ Brian Yates
/s/ Jim Mathewson	/s/ Melba Curls
/s/ Wayne Goode	/s/ David Pearce
/s/ Charles R. Gross	/s/ Denny J. Meredith III

Senator Steelman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Clemens	Days
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Champion	Scott--2		
Absent with leave--Senators			
Coleman	DePasco	Dolan	Dougherty--4

On motion of Senator Steelman, **CCS** for **SS** for **SCS** for **HCS** for **HB 289**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 289

An Act to repeal sections 71.620, 99.845, 100.010, 100.050, 100.105, 100.180, 100.710, 100.840, 100.850, 135.207, 135.400, 135.431, 135.500, 135.503, 135.516, 135.520, 162.1100, 178.892, and 348.015, RSMo, and to enact in lieu thereof seventy new sections relating to tax incentives for economic development, with an expiration date for certain sections, an emergency clause for certain sections and an effective date for a certain section.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Clemens	Days
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
	NAYS--Senators--None		
	Absent--Senators		
Champion	Kennedy	Kinder	Russell--4
	Absent with leave--Senators		
Coleman	DePasco	Dolan	Dougherty--4

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Clemens	Days
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
	NAYS--Senators--None		
	Absent--Senators		
Champion	Goode	Kinder	Russell--4
	Absent with leave--Senators		
Coleman	DePasco	Dolan	Dougherty--4

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HB 511**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HB 511**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 407** and has taken up and passed **CCS** for **HCS** for **SB 407**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 448** and has taken up and passed **CCS** for **HCS** for **SB 448**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS No. 2** for **SB 52** and has taken up and passed **CCS** for **HCS** for **SCS No. 2** for **SB 52**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 10**.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 924, regarding Kari Blankenship, Eldon, which was adopted.

Senator Vogel offered Senate Resolution No. 925, regarding Dustin Lehman, Gravois Mills, which was adopted.

Senator Vogel offered Senate Resolution No. 926, regarding Ashley Briggs, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 927, regarding Laura Shanley, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 928, regarding Emily Omohundro, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 929, regarding Ryan Price, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 930, regarding Rebecca Williams, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 931, regarding Hannah Combs, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 932, regarding Brad Homan, Syracuse, which was adopted.

Senator Vogel offered Senate Resolution No. 933, regarding Elizabeth Allison, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 934, regarding Lori Albin, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 935, regarding Corey Williams, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 936, regarding Aryn Price, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 937, regarding Breanna Merriott, Versailles, which was adopted.

Senator Vogel offered Senate Resolution No. 938, regarding Courtney Clarke, Morgan County, which was adopted.

Senator Stoll offered Senate Resolution No. 939, regarding MacKenzie Joseph "Mac" Stephens, St. Louis, which was adopted.

Senator Stoll offered Senate Resolution No. 940, regarding Elizabeth J. "Betty" McLard, Barnhart, which was adopted.

Senator Cauthorn offered Senate Resolution No. 941, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Gwinner, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 942, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Frederick J. Voepel, Palmyra, which was adopted.

Senator Cauthorn offered Senate Resolution No. 943, regarding Gary L. Sharp, Boonville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 944, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Lloyd Brocaille, Hannibal, which was adopted.

Senator Foster offered Senate Resolution No. 945, regarding Ryan Michael Sullivan, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 946, regarding Cassie Mathis, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 947, regarding Melinda Ann Rushing, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 948, regarding Lindsey N. Humphrey, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 949, regarding Rachel Beth Kurz, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 950, regarding Laura French, Harviell, which was adopted.

Senator Foster offered Senate Resolution No. 951, regarding Stacy L. Humphrey, Poplar Bluff, which was adopted.

Senator Griesheimer offered Senate Resolution No. 952, regarding Diana Garbs, Marthasville, which was adopted.

MESSAGES FROM THE GOVERNORThe following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 371 entitled:

AN ACT

To repeal sections 173.355 and 173.385, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education loan authority.

On May 8, 2003, I approved said Senate Bill No. 371.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bills Nos. 194 & 189 entitled:

AN ACT

To amend chapter 288, RSMo, by adding thereto one new section relating to unemployment reimbursement for Indian tribes in compliance with federal mandate, with an emergency clause.

On May 8, 2003, I approved said Senate Committee Substitute for Senate Bills Nos. 194 & 189.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 255 entitled:

AN ACT

To repeal section 393.110, RSMo, and to enact in lieu thereof one new section relating to the public service commission's jurisdiction of consumer-owned electric corporations.

On May 8, 2003, I approved said Senate Bill No. 255.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 239 entitled:

AN ACT

To authorize the governor to convey a tract of land owned by the state in the county of Pettis.

On May 8, 2003, I approved said Senate Committee Substitute for Senate Bill No. 239.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 14 entitled:

AN ACT

To repeal section 84.510, RSMo, relating to certain police officers, and to enact in lieu thereof one new section relating to the same subject.

On May 8, 2003, I approved said Senate Bill No. 14.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 50 entitled:

AN ACT

To repeal section 116.130, RSMo, relating to verification of signatures on initiative or referendum petitions, and to enact in lieu thereof one new

section relating to the same subject.

On May 8, 2003, I approved said Senate Bill No. 50.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 232 entitled:

AN ACT

To authorize the conveyance of property at Thousand Hills State Park.

On May 8, 2003, I approved said Senate Bill No. 232.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 235 entitled:

AN ACT

To repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to local government indebtedness.

On May 8, 2003, I approved said Senate Bill No. 235.

Respectfully submitted,

BOB HOLDEN

Governor

On motion of Senator Gibbons, the Senate adjourned until 12:30 p.m., Monday, May 12, 2003.

SENATE CALENDAR

SEVENTY-FIRST DAY-MONDAY, MAY 12, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 564-Gross

SENATE BILLS FOR PERFECTION

SB 414-Steelman, with SCS

SB 454-Coleman and Dougherty,
with SCS

HOUSE BILLS ON THIRD READING

1. HB 598-Schlottach, et al,
with SCS (Dolan)

2. HB 327-Lipke, with SCS
(Dolan)

3. HCS for HB 185, with SCS
(Gross)

4. HB 91-Mayer, with SCS
(Steelman)

5. HS for HCS for HBs 679
& 396-Hanaway (Shields)

6. HCS for HB 138 (Klindt)

7. HS for HB 481-Crowell

8. HB 655-Wilson (130) (Foster)

9. HB 189-Parker, et al

10. HS for HCS for HB 121-
Portwood, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 27-Gibbons, with SCS

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS & SA 6 (pending)

SB 209-Steelman, et al,
with SCS

SB 217-Champion and
Clemens, with SS (pending)

SB 241-Yeckel, with SCS

SB 253-Steelman, et al,
with SCS, SS for SCS &
SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SBs 312, 49, 111, 113, 191, 206,
263, 404, 409, 418, 538, 550 &
584-Dolan, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,
331, 368, 369, 419, 484 &
581-Dolan, with SCS
SB 347-Loudon, et al, with SCS
SB 362-Steelman and Gross
SBs 381, 384, 432 & 9-Dolan, with
SCS & SS for SCS (pending)
SBs 415, 88, 200, 223, 413, 523,
589 & 626-Yeckel, with SCS
SB 416-Yeckel, with SCS
SB 434-Yeckel, with SCS
SB 436-Klindt, with SCS,
SS for SCS & SA 2 (pending)
SB 446-Bartle, with SCS
SB 449-Bartle
SB 450-Mathewson, et al, with
SCS, SS for SCS & SA 2 (pending)
SB 455-Dougherty and Shields
SB 458-Childers
SB 460-Loudon, with SS & SA 1
(pending)
SB 476-Jacob
SB 485-Shields, with SCS
SB 531-Childers, with SCS
SB 685-Gibbons, et al, with SCS
SB 693-Klindt, et al, with SCS

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 144, with SCS

(Vogel)

HS for HB 197-Johnson (47),

with SCS & SCA 1 (Shields)

HB 198-Stevenson, et al (Nodler)

HB 208-Engler, et al, with SCS

(Kinder)

HS for HCS for HB 257-

Munzlinger, with SCS (Cauthorn)

HB 286-Bearden, with SCS

(Shields)

HCS for HB 288, with SCS

(Shields)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HB 412-Goodman, et al (Childers)

HB 444-Jackson, with SCS (Yeckel)

HB 445-Portwood, et al, with SCS

(Loudon)

HS for HB 470-Mayer, with SCS (Bartle)

HS for HCS for HBs 517, 94, 149,

150 & 342-Portwood, with SCS

(Gross)

HS for HCS for HB 564-Behnen,

with SCS (Yeckel)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 505-Byrd and Villa,

with SCS (Mathewson)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 358-Shields,

with HCS

SB 370-Foster, with HCS

SB 470-Bartle, with HCS

SB 521-Gross, with HCS

SS for SCS for SB 555-

Kinder, with HS for HCS

SCS for SB 592-Foster,

with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 36-Klindt,

with HCS, as amended

SCS for SB 69-Yeckel and

Nodler, with HCS

SB 186-Cauthorn, with HCS

(Senate adopted CCR

and passed CCS)

SCS for SB 246-Steelman, et al,

with HS for HCS, as amended

SS for SCS for SB 298-

Griesheimer, with HCS,

as amended

SCS for SBs 299 & 40-Champion,
et al, with HS, as amended
SCS for SB 379-Champion,
with HCS

SB 394-Bartle, with HCS, as amended

SB 401-Dolan, et al, with HCS

SB 552-Yeckel, with HCS

(Senate requests House

grant further conference)

HCS for HB 427, with SCS (Bartle)

HS for HB 511-Deeken, with SS

for SCS, as amended (Yeckel)

(House adopted CCR

and passed CCS)

HCS for HB 600, with SS for SS

for SCS, as amended (Shields)

HCS for HB 613, with SCS,

as amended (Bartle)

HS for HB 668-Crawford, with SS

for SCS, as amended (Dolan)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 4-Jacob

HCR 15-Behnen (Cauthorn)

SCR 18-Mathewson and

Steelman

HCR 11-Moore and Walton (Bland)

SR 900-Mathewson

HCR 3-Townley (Klindt)

HCR 5-Townley (Klindt)

HCR 32-Miller (Gibbons)

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIRST DAY--MONDAY, MAY 12, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"The fear of the Lord is the beginning of Wisdom" (Proverbs 9:10)

Gracious God, we thank You that standing in awe of You helps us see our proper place in this world and for the wisdom that we can gain from that stance. We thank You for bringing us safely through this weekend and back here. We ask, bless us, O Lord, as we face these final days of needed decisions and grant us to see their effect on our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, May 9, 2003, was read and approved.

Photographers from KRCG-TV, the Associated Press and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator DePasco--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Dolan offered Senate Resolution No. 953, regarding SSM St. Joseph Hospital West, Lake Saint Louis, which was adopted.

On behalf of Senator DePasco, Senator Jacob offered Senate Resolution No. 954, regarding Janice K. Reid, Leawood, Kansas, which was adopted.

Senator Bland offered Senate Resolution No. 955, regarding Kenneth Hughlon, II, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 956, regarding Quentin Savwoir, Kansas City, which was adopted.

Senator Dolan offered Senate Resolution No. 957, regarding Tiffany Burns, which was adopted.

Senator Nodler offered Senate Resolution No. 958, regarding Leisa Matthews, Carthage, which was adopted.

Senator Nodler offered Senate Resolution No. 959, regarding Travis Adams, which was adopted.

Senator Nodler offered Senate Resolution No. 960, regarding Matt Major, which was adopted.

Senator Nodler offered Senate Resolution No. 961, regarding Danielle Dudley, which was adopted.

Senator Gibbons offered Senate Resolution No. 962, regarding Tim Schaeffer, Kirkwood, which was adopted.

Senator Gross offered Senate Resolution No. 963, regarding Melissa Gumm, which was adopted.

Senator Loudon offered Senate Resolution No. 964, regarding Tyler Altrup, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 965, regarding Wendy Goldstein, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 966, regarding Ross Calliott, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 967, regarding David Roberts, Chesterfield, which was adopted.

Senator Jacob offered Senate Resolution No. 968, regarding Arthi Vellore, Columbia, which was adopted.

Senator Jacob offered Senate Resolution No. 969, regarding Nick Hare, Columbia, which was adopted.

Senator Jacob offered Senate Resolution No. 970, regarding Shawn Sahota, Columbia, which was adopted.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **HCR 15** be taken up for third reading and final passage, which motion prevailed.

On motion of Senator Cauthorn, **HCR 15** was read the third time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Shields	Steelman
Wheeler	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Coleman	Dolan	Quick	Scott
Stoll	Vogel--6		
Absent with leave--Senators			
Bland	DePasco--2		

The President declared the concurrent resolution passed.

On motion of Senator Cauthorn, title to the concurrent resolution was agreed to.

Senator Cauthorn moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 511**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 511

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, with Senate Amendments Nos. 1, 2, 3, 4, 5, 6, 9, 11, and 14, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, as amended;
- 2. That the House recede from its position on House Substitute for House Bill No. 511;
- 3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Anita Yeckel
/s/ Delbert Scott
/s/ Matt Bartle
/s/ Rita Heard Days
/s/ Stephen Stoll

FOR THE HOUSE:

/s/ Bob May
/s/ Bill Deeken
/s/ Brian Yates
/s/ James Seigfried
/s/ Curt Dougherty

Senator Yeckel moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			

	Absent--Senators
Coleman	Dolan--2
	Absent with leave--Senators
Bland	DePasco--2

On motion of Senator Yeckel, **CCS** for **SS** for **SCS** for **HS** for **HB 511**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
 FOR SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE SUBSTITUTE FOR
 HOUSE BILL NO. 511

An Act to repeal sections 115.027, 115.073, 115.074, 115.076, 115.077, 115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.436, 115.637, 115.761, 115.801, 116.175, 116.190, 162.601, 247.170, and 321.120, RSMo, and to enact in lieu thereof forty-one new sections relating to elections, with a penalty provision and an emergency clause.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Coleman--1		
	Absent with leave--Senators		
Bland	DePasco--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senator Days--1

Absent with leave--Senators

Bland

DePasco--2

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 598, with **SCS**, was placed on the Informal Calendar.

HB 327, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 185**, with **SCS**, was placed on the Informal Calendar.

HB 91, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HBs 679** and **396**, entitled:

An Act to repeal sections 207.050, 207.060, 208.047, 208.152, 208.204, 210.025, 210.109, 210.110, 210.145, 210.152, 210.160, 210.183, 210.518, 210.565, 210.903, 210.909, 210.937, 211.032, 211.059, 211.171, 211.181, 211.321, 453.110, 475.024, 491.075, 492.304, and 630.210, RSMo, and to enact in lieu thereof forty new sections relating to the state foster care system, the Dominic James Memorial Foster Care Reform Act of 2003, with penalty provisions.

Was taken up by Senator Shields.

Senator Shields offered **SS** for **HS** for **HCS** for **HBs 679** and **396**, entitled:

SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 679 and 396

An Act to repeal sections 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 135.327, 168.071, 192.016, 207.050, 207.060, 208.047, 208.152, 208.204, 210.025, 210.109, 210.110, 210.145, 210.152, 210.160, 210.183, 210.201, 210.211, 210.254, 210.518, 210.565, 210.760, 210.903, 210.909, 210.922, 210.937, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 402.199, 402.200, 402.205, 402.215, 402.217, 453.020, 453.030, 453.060, 453.110, 475.024, 491.075, 492.304, 537.046, 610.120, 610.123, 630.140, 630.167, 630.170, 630.210, and 660.317, RSMo, and to enact in lieu thereof eighty-six new sections relating to the state foster care and protective services for children, with penalty provisions.

Senator Shields moved that **SS** for **HS** for **HCS** for **HBs 679** and **396** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396,

Page 39, Section 207.085, Line 2 of said page, by striking the word "dismissed" and inserting in lieu thereof the words "**subject to dismissal**"; and further amend line 10 of said page, by striking the word "dismissed" and inserting in lieu thereof the words "**subject to dismissal**"; and further amend line 23 of said page, by striking the word "shall" and inserting in lieu thereof the word "**may**"; and further amend line 28 of said page, by striking the word "dismissed" and inserting in lieu thereof the words "**subject to dismissal**".

Senator Dougherty moved that the above amendment be adopted, which motion failed.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Pages 95-98, Section 210.254, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion failed.

Senator Dougherty offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 101, Section 210.518, Line 17 of said page, by striking the word "monthly" and inserting in lieu thereof the words "**as frequently as appropriate**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 54, Section 210.025, Line 7 of said page, by striking the opening bracket "["; and further amend said line, by striking the closing bracket "]"; and further amend line 8 of said page, by striking the words "by a preponderance of the evidence"; and further amend line 26 of said page, by striking the opening bracket "["; and further amend said line, by striking the closing bracket "]"; and further amend line 27 of said page, by striking the words "by a preponderance of the evidence"; and

Further amend said bill, Page 59, Section 210.110, Line 8 of said page, by striking the opening bracket "["; and further amend said line, by striking the closing bracket "]"; and further amend lines 8-9 of said page, by striking the words "by a preponderance of the evidence"; and

Further amend said bill, Page 61, Section 210.110, Lines 2-7 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(11) "Report", the communication of an allegation of child"; and further amend by renumbering the remaining subdivision accordingly; and

Further amend said bill, Page 82, Section 210.152, Lines 21-22 of said page, by striking the words "by a preponderance of the evidence"; and further amend line 22 of said page, by striking the opening bracket "["; and further amend said line, by striking the closing bracket "]"; and

Further amend said bill, Page 83, Section 210.152, Line 3 of said page, by striking the opening bracket "["; and further amend lines 4-5 of said page, by striking all of said lines and inserting in lieu thereof the following: "neglect."; and

further amend line 18 of said page, by striking the opening bracket "["; and further amend line 19 of said page, by striking the closing bracket "]""; and further amend lines 20-23 of said page, by striking all of said lines and inserting in lieu thereof the following: ". **The abuse and neglect review board shall provide the alleged perpetrator with an opportunity to appear and present testimony.** The child"; and

Further amend said bill, Page 84, Section 210.152, Line 13 of said page, by striking the opening bracket "["; and further amend line 16 of said page, by striking the following: "]" In the de"; and further amend lines 17-19, by striking all of said lines and inserting in lieu thereof the following: "The circuit"; and

Further amend said bill, Page 88, Section 210.183, Line 8 of said page, by striking the opening bracket "["; and further amend said line by striking the closing bracket "]""; and further amend lines 8-9 of said page, by striking the words "by a preponderance of the evidence reason"; and further amend line 12 of said page, by striking the opening bracket "["; and further amend said line by striking the closing bracket "]""; and further amend line 13 of said page, by striking the words "by a preponderance of the evidence that"; and further amend line 18 of said page, by striking the opening bracket "["; and further amend said line by striking the closing bracket "]""; and further amend line 19 of said page, by striking the words "evidence to prove by a preponderance of the evidence that"; and

Further amend said bill, Page 104, Section 210.903, Line 28 of said page, by striking the opening bracket "["; and further amend said line by striking the closing bracket "]""; and further amend lines 28-29 of said page, by striking the words "by a preponderance of the evidence"; and

Further amend said bill, Page 105, Section 210.909, Line 20 of said page, by striking the opening bracket "["; and further amend said line by striking the closing bracket "]""; and further amend line 21 of said page, by striking the words "by a preponderance of the evidence"; and further amend line 23 of said page, by striking the opening bracket "["; and further amend line 24 of said page, by striking the closing bracket "]"".

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Mathewson and Wheeler.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bray	Days	Dougherty	Goode
Jacob	Kennedy	Mathewson	Quick
Stoll	Wheeler-- 10		
NAYS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
Absent--Senator Coleman-- 1			
Absent with leave--Senators			
Bland	DePasco--2		

Senator Scott offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 111, Section 211.031, Line 16, by deleting said line and inserting in lieu thereof the following:

"5. Nothing in subsection 4 shall be interpreted as".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Childers offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 89, Section 210.187, Line 13 of said page, by inserting after the word "services" the following: ", **with a member from each congressional district who shall have been selected by the division from nominees provided by the Missouri Press Association,**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 92, Section 210.201, Lines 13-29, by striking said lines from the act; and further amend said section, page 93, lines 1-23, by striking said lines from the act; and further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 8, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 66, Section 210.112, Line 5, by deleting "**twenty**" and inserting "**fifteen**"; and by deleting the word "five" on line 6 and on line 7, by deleting all after the word "**Division.**"; and all on lines 8-21.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 9, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 6, Section 37.730, Lines 24-27, by deleting all underlined words after "**office.**" on line 24 and before "**Every**" on line 27.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered SA 10:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 80, Section 210.145, Line 18, following section 210.145.20, by inserting the following:

"21. Any interview of a child by the division or any member of any interdisciplinary team or emergency child protection team or by any representative of the Office of Child Advocate For Children's Protection and Services shall

be videotape or audiotape recorded in its entirety. The division shall develop interview protocols to be followed by the division and the local office and the office of Child Advocate For Children's Protection and Services and shall promulgate said protocols as rules and regulations pursuant to the provisions of section 207.021.1, RSMo, and chapter 536, RSMo."

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 39, Section 207.085.4, Lines 27 and 28, following the words "serious physical injury or death" insert the following: "to a child or that results in civil liability to the state or any of its agencies or subdivisions whether by settlement or trial".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 57, Section 210.109.3(3), Line 15, following the words "classification of the reporter" insert the following "and except that no employee of the division of family services or of a juvenile office shall make an anonymous report either directly or through another person."

Senator Scott moved that the above amendment be adopted.

At the request of Senator Scott, **SA 12** was withdrawn.

Senator Scott offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 57, Section 210.109.3(3), Line 15, following the words "classification of the reporter" insert the following "and except that no employee of the division of family services or of a juvenile office shall make an anonymous report."

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 183, Section 207.050, Line 19, by deleting the brackets on line 19 and line 9 on page 184; and further amend said section, page 183, line 19, by deleting the word "shall" on said line and insert in lieu thereof the word "**may**"; and further amend said section and page, line 29, by deleting the words beginning with the word "if" on said line and deleting to the period "." on line 37; and further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 102, Section 210.565, Line 14 of said page, by inserting immediately after said line the following:

"4. Any relative who has a child placed in their custody pursuant to this section, including any other relatives who are residing in their household, shall not be required to submit fingerprints for a criminal background check pursuant to subdivision (2) of subsection 1 of section 210.487."; and renumber the remaining subsections accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 103, Section 210.760, Line 19 of said page, by adding after all of said line the following:

"3. No employee of the division or any employee of a public or charter school within this state shall perform a strip search, as that term is defined in section 544.193, RSMo, of any student of any such school without the signed permission of one of the student's parents or guardian.

(1) No strip search of any minor shall performed outside the presence of any parent or guardian not otherwise the subject of an investigation of abuse or neglect if said parent or guardian request to be present. Any qualified parent or guardian shall be notified of their right to request said presence.

(2) In addition, no employee of the division or any employee of a public or charter school shall direct a student to take part in, direct, or supervise a strip search of a fellow student. For the purposes of this section, the term "employee" shall include all temporary and part-time employees of the division or such public and charter schools.

(3) Any employee of the division or any employee of a public school or charter school who violate the provisions of this section shall be immediately suspended without pay, pending an evidentiary hearing when such employee is entitled by statute or contract to such hearing."

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 115, Section 211.059, Line 14, following subsection 211.059.2 insert the following:

"3. Any interrogation of or interview with a child taken into custody by a juvenile officer or law enforcement official shall be audiotape recorded or videotape recorded in its entirety. "Custody", for purposes of this section, is defined as any situation in which a child has been deprived of his liberty to leave. Any failure to comply with the provisions of this section shall render any and all statements made by the child inadmissible in any future judicial proceeding. Each of the warnings in section 211.059.1 shall be given while recording."

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 59, Section 210.110, Line 2 of said page, by striking the word "any" and inserting in lieu thereof the words "**death or serious**"; and further amend said line by inserting after the word "or" the following: "**severe**"; and

Further amend said bill, Page 60, Section 210.110, Line 6 of said page, by inserting after all of said line the following:

"(7) **"Emergency", a real and substantive risk of sexual abuse, imminent danger of death, or serious physical harm;**"; and

further amend by renumbering the remaining subdivisions accordingly; and further lines 25-26 of said page, by striking all of said lines and inserting in lieu thereof the following: "nutrition [or], medical[,] **or** surgical[, or any other care necessary for the child's well-being] **treatment;**".

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Wheeler offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 153, Section 453.110, Line 27 of said page, by inserting after all of said line the following:

"454.470. 1. [If a court order has not been previously entered or if a support order has been entered but is not entitled to recognition pursuant to sections 454.850 to 454.997,] the director may issue a notice and finding of financial responsibility to a parent who owes a state debt or who is responsible for the support of a child on whose behalf the custodian of that child is receiving support enforcement services from the division pursuant to section 454.425 **if a court order has not been previously entered against that parent or if a support order from another state has been entered but is not entitled to recognition pursuant to sections 454.850 to 454.997.** A copy of the notice and finding shall be mailed to the last known address of both parents and any person or agency having custody of the child within fourteen days of the issuance of such notice and finding. When appropriate to the circumstances of the individual action, the notice shall state:

(1) The name of the person or agency with custody of the dependent child and the name of the dependent child for whom support is to be paid;

(2) The monthly future support for which the parent shall be responsible;

(3) The state debt, if any, accrued and accruing, and the monthly payment to be made on the state debt which has accrued;

(4) A statement of the costs of collection, including attorney's fees, which may be assessed against the parent;

(5) That the parent shall be responsible for providing medical insurance for the dependent child;

(6) That if a parent desires to discuss the amount of support that should be paid, the parent or person having custody of the child may, within twenty days after being served, contact the division office which sent the notice and request a negotiation conference. The other parent or person having custody of the child shall be notified of the negotiated conference and may participate in the conference. If no agreement is reached on the monthly amount to be paid, the director may issue a new notice and finding of financial responsibility, which may be sent to the parent required to pay support by regular mail addressed to the parent's last known address or, if applicable, the parent's attorney's last known address. A copy of the new notice and finding shall be sent by regular mail to the other parent or person having custody of the child;

(7) That if a parent or person having custody of the child objects to all or any part of the notice and finding of financial responsibility and no negotiation conference is requested, within twenty days of the date of service the parent or person

having custody of the child shall send to the division office which issued the notice a written response which sets forth any objections and requests a hearing; and, that if the director issues a new notice and finding of financial responsibility, the parent or person having custody of the child shall have twenty days from the date of issuance of the new notice to send a hearing request;

(8) That if such a timely response is received by the appropriate division office, and if such response raises factual questions requiring the submission of evidence, the parent or person having custody of the child shall have the right to a hearing before an impartial hearing officer who is an attorney licensed to practice law in Missouri and, that if no timely written response is received, the director may enter an order in accordance with the notice and finding of financial responsibility;

(9) That the parent has the right to be represented at the hearing by an attorney of the parent's own choosing;

(10) That the parent or person having custody of the child has the right to obtain evidence and examine witnesses as provided for in chapter 536, RSMo, together with an explanation of the procedure the parent or person having custody of the child shall follow in order to exercise such rights;

(11) That as soon as the order is entered, the property of the parent required to pay support shall be subject to collection actions, including, but not limited to, wage withholding, garnishment, liens, and execution thereon;

(12) A reference to sections 454.460 to 454.510;

(13) That the parent is responsible for notifying the division of any change of address or employment;

(14) That if the parent has any questions, the parent should telephone or visit the appropriate division office or consult an attorney; and

(15) Such other information as the director finds appropriate.

2. The statement of periodic future support required by subdivision (2) of subsection 1 of this section is to be computed as follows:

(1) If there is sufficient information available to the division regarding the parent's financial and living situation, the scale and formula provided for in section 454.480 shall be used; or

(2) If there is insufficient information available to use the scale and formula, an estimate of ability to pay shall be the basis of the statement.

3. Any time limits for notices or requests may be extended by the director, and such extension shall have no effect on the jurisdiction of the court, administrative body, or other entity having jurisdiction over the proceedings.

4. If a timely written response setting forth objections and requesting a hearing is received by the appropriate division office, and if such response raises a factual question requiring the submission of evidence, a hearing shall be held in the manner provided by section 454.475. If no timely written response and request for hearing is received by the appropriate division office, the director may enter an order in accordance with the notice, and shall specify:

(1) The amount of periodic support to be paid, with directions on the manner of payment;

(2) The amount of state debt, if any, accrued in favor of the department;

(3) The monthly payment to be made on state debt, if any;

(4) The amount of costs of collection, including attorney's fees, assessed against the parent;

(5) The name of the person or agency with custody of the dependent child and the name and birth date of the dependent child for whom support is to be paid;

(6) That the property of the parent is subject to collection actions, including, but not limited to, wage withholding, garnishment, liens, and execution thereon; and

(7) If appropriate, that the parent shall provide medical insurance for the dependent child, or shall pay the reasonable and necessary medical expenses of the dependent child.

5. The parent or person having custody of the child shall be sent a copy of the order by registered or certified mail, return receipt requested, addressed to the parent's last known address or, if applicable, the parent's attorney's last known address. The order is final, and action by the director to enforce and collect upon the order, including arrearages, may be taken from the date of issuance of the order. A copy of the order shall also be sent by regular mail to the person having custody of a child for whom an order is issued pursuant to this section.

6. Copies of the orders issued pursuant to this section shall be mailed within fourteen days of the issuance of the order.

7. Any parent or person having custody of the child who is aggrieved as a result of any allegation or issue of fact contained in the notice and finding of financial responsibility shall be afforded an opportunity for a hearing, upon the request in writing filed with the director not more than twenty days after service of the notice and finding is made upon such parent or person having custody of the child, and if in requesting such hearing, the aggrieved parent or person having custody of the child raises a factual issue requiring the submission of evidence."; and

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 58, Section 210.109, Line 14, by inserting after the word "RSMo" the following: **"and shall submit names of all employees to the Family Care Safety Registry"**; and

Further amend said bill, Page 62, Section 210.112, Line 28, by deleting all of said line and renumber subdivisions accordingly and further amend said section, page 63, line 7, by inserting at the end of said line the following: **"Any contracts entered into by the Division shall be in accordance with all federal laws and regulations and shall not result in a loss of federal funding."**; and

Further amend said bill, Page 66, Section 210.112, Line 21, by inserting after all of said line, the following:

"6. If the division of family services is unable to reach any of the goals provided by the provisions of subsection 5 of this section by the target date, the division shall report such facts to the task force on children's justice established by the division of family services."; and

Further amend said bill, page 67, section 210.113, lines 27-29, by deleting the following: "The pilot project described in this section shall be in addition to all other privatization described by subdivision (8) of subsection 3 of section 210.109."; and

Further amend said bill, pages 145-149, section 453.030, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Dougherty moved that the vote by which **SA 8** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Goode Quick--2

Absent with leave--Senator DePasco--1

SA 8 was again taken up.

At the request of Senator Dougherty, the above amendment was withdrawn.

Senator Dougherty offered **SA 21**, which was read:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 66, Section 210.112, Lines 5-6 of said page, by striking the word "twenty-five" on said line and inserting in lieu thereof the word "**twenty**"; and further amend line 9 of said page, by striking the word "forty" and inserting in lieu thereof the word "**thirty-five**"; and further amend line 12 of said page by striking the word "fifty-five" and inserting in lieu thereof the words "**at least fifty**"; and further amend lines 13-15 of said page, by striking all of said lines.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 183, Section 3, Line 11 of said page, by inserting after all of said line the following:

"[26.740. 1. There is hereby created within the office of the governor a "Child Abuse, Custody and Neglect Commission" which shall evaluate the laws and rules relating to child abuse, neglect, child custody and visitation and termination of parental rights and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary. The commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child.

2. The child abuse, custody and neglect commission shall be composed of twelve members to be appointed by the governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a certified guardian ad litem, a juvenile court judge, a member of the clergy, a psychologist, a pediatrician, an educator, the chairman of the children's services commission, a division of family services designee, and one citizen of the state of Missouri, chosen to reflect the racial composition of the state, to serve four-year terms and of the members first appointed, four shall serve for a term of two years, four shall serve for a term of three years, and four shall serve for a term of four years.

3. The commission shall make its first report to the governor and the general assembly by February 1, 2002, and any

subsequent reports shall be made to the governor, the chief justice of the supreme court and the general assembly as necessary.

4. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

5. The office of the governor shall provide funding, administrative support, and staff for the effective operation of the commission.

6. This section shall expire on August 28, 2004.]" and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 59, Section 210.110(2), Line 23, at the end of the last sentence of section 210.110(2), following the words "shall remain on the registry" insert the words "unless the events which caused that person's name to be placed on the registry are currently under investigation or an appeal of the division's determination is currently pending".

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Loudon offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 70, Section 210.113, Line 18 of said page, by inserting immediately after said line the following:

"210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, RSMo, [Christian Science practitioner,] peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the division in accordance with the provisions of sections 210.109 to 210.183. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an official capacity as a staff member of a medical institution, school facility, or other agency, whether public or private, the person in charge or a designated agent shall be notified immediately. The person in charge or a designated agent shall then become responsible for immediately making or causing such report to be made to the division. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others

legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

4. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

5. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452, RSMo, and shall report the findings to the child fatality review panel established pursuant to section 210.192.

6. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting or causing a report to be made to the division.

7. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the Missouri division of family services."; and

Further amend said bill, page 130, Section 302.272, line 18 of said page, by inserting immediately after said line the following:

"352.400. 1. As used in this section, the following words and phrases shall mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse, injury or harm to a child under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo;

(2) "Child", any person regardless of physical or mental condition, under eighteen years of age;

(3) "Minister", any person while practicing as a minister of the gospel, clergyperson, priest, rabbi, **Christian Science practitioner**, or other person serving in a similar capacity for any religious organization who is responsible for or who has supervisory authority over one who is responsible for the care, custody, and control of a child or has access to a child;

(4) "Neglect", failure to provide the proper or necessary support or services by those responsible for the care, custody, and control of a child, under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo;

(5) "Religious organization", any society, sect, persuasion, mission, church, parish, congregation, temple, convention or association of any of the foregoing, diocese or presbytery, or other organization, whether or not incorporated, that meets at more or less regular intervals for worship of a supreme being or higher power, or for mutual support or edification in piety or with respect to the idea that a minimum standard of behavior from the standpoint of overall morality is to be observed, or for the sharing of common religious bonds and convictions;

(6) "Report", the communication of an allegation of abuse or neglect pursuant to sections 210.109 to 210.183, RSMo.

2. When a minister or agent designated pursuant to subsection 3 of this section has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo, the minister or designated agent shall immediately report or cause a report to be made as provided in sections 210.109 to 210.183, RSMo. Notwithstanding any other provision of this section or sections 210.109 to 210.183, RSMo, a minister shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

3. A religious organization may designate an agent or agents required to report pursuant to sections 210.109 to 210.183, RSMo, in an official capacity on behalf of the religious organization. In the event a minister, official or staff member of a religious organization has probable cause to believe that the child has been subjected to abuse or neglect under circumstances required to be reported pursuant to sections 210.109 to 213.183, RSMo, and the minister, official or staff member of the religious organization does not personally make a report pursuant to sections 210.109 to 210.183, RSMo, the designated agent of the religious organization shall be notified. The designated agent shall then become responsible for making or causing the report to be made pursuant to sections 210.109 to 210.183, RSMo. This section shall not preclude any person from reporting abuse or neglect as otherwise provided by law." and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 183, Section 3, Line 11 of said page, by inserting after all of said line the following:

"Section 4. For the purposes of proceedings and investigations conducted pursuant to chapter 211, RSMo, nonmarital children shall not be discriminated against because their biological parents are not married. Children shall be promptly returned to the care and custody of a non-offending biological parent without regard for marital status where:

(1) The unmarried parents have continuously maintained joint domicile for a period of at least six months prior to the alleged incident, or where the parents are maintaining separate households; and

(2) Where a preponderance of the evidence indicates that only one of the parents is the subject of an investigation of abuse or neglect; and

(3) The non-offending parent does not have a history of criminal behavior, drug or alcohol abuse, child abuse, or child neglect, within the past five years; and

(4) Where the biological parents are maintaining joint domicile and offending parent is removed from the home either voluntarily or involuntarily, or when the biological parents live separately and the child must be removed from the home of the custodial parent; and

(5) A non-offending parent requests custody of the child and agrees to cooperate with any orders of the court limiting contact or establishing visitation with the abusive parent and the non-offending parent complies with such orders; and

(6) When the biological parents maintain joint domicile, it shall be presumed that the offending parent has given permission for the non-offending parent to live in the household; and

(7) The court shall order either a temporary or permanent change of custody of the child if the non-offending

parent does not have legal custody of the child, and shall order modifications to any welfare benefits which may be required to assure the well being of the child."; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Dougherty offered **SA 1** to **SA 25**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 25

Amend Senate Amendment No. 25 to Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 1, Section 4, Line 18, by inserting after the word "neglect," the following "domestic violence, stalking, or orders of protection against them".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

SA 25, as amended, was again taken up.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 26**, which was read:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 73, Section 210.145, Line 15, by inserting immediately after said line the following:

"5. A child or person seventeen years of age shall only be placed in the custody of the Division if there is a danger of death, serious physical harm, sexual abuse, or serious neglect."; and

Further renumber subsections accordingly.

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Quick offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 157, Section 537.046, Line 27 of said page, by inserting after all of said line the following:

"565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his [sixteenth] **eighteenth** birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor.";

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 27** is out of order, as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Shields moved that **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
NAYS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Mathewson	Stoll	Wheeler--11	
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 555** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 971, regarding Christopher Jones, Waynesville, which was adopted.

Senator Shields offered Senate Resolution No. 972, regarding Rachel Steidel, which was adopted.

Senator Stoll offered Senate Resolution No. 973, regarding Tom Fehrenbach, St. Louis, which was adopted.

Senator Stoll offered Senate Resolution No. 974, regarding Dennis "Double D" Fehrenbach, St. Louis, which was adopted.

Senator Gross offered Senate Resolution No. 975, regarding Curt Dreyer, St. Charles, which was adopted.

Senator Clemens offered Senate Resolution No. 976, regarding Carole D. Lewis, Rogersville, which was adopted.

Senator Griesheimer offered the following resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 977

WHEREAS, the prevailing wage law governs the wages and benefits paid to construction employees in various crafts on public works projects and is enforced by the Missouri Department of Labor and Industrial Relations through the Division of Labor Standards; and

WHEREAS, the prevailing wage is established by wage and benefit survey information voluntarily submitted by contractors working on both public and private construction contracts; and

WHEREAS, not enough wage surveys are turned into the Division of Labor Standards on the various job classifications in some counties to set a prevailed wage for a specific job title in all Missouri Counties; and

WHEREAS, because of insufficient information, some urban wages for some job classifications are determined to be "prevailing wage" in rural counties which has caused rural officials in public bodies to question the credibility of the data and questions about the objectivity of the Labor and Industrial Relations Commission have been raised; and

WHEREAS, numerous legislative attempts have been made over the past several decades to change the prevailing wage law, but have been unsuccessful; and

WHEREAS, Missouri union leaders, business interests, contractors' associations and public officials impacted by the current law desire to work together and establish a task force that will present a proposal to the General Assembly that could establish credibility and fairness to the prevailing wage process in the state of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, wholeheartedly support the creation of a private task force on prevailing wage and eagerly await a report detailing the results of its findings.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 697**, entitled:

An Act to repeal sections 589.400, 589.407, and 589.414, RSMo, and to enact in lieu thereof three new sections relating to sexual offender registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 686**, entitled:

An Act to repeal sections 115.124, 160.415, 162.261, 162.431, 162.601, 162.680, 162.700, 162.962, 165.011, 165.016, 168.110, 172.273, 177.086, 324.245, and 393.310, RSMo, and to enact in lieu thereof seventeen new sections relating to education, with an emergency clause for certain sections.

With House Substitute Amendment No. 1 for House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended and House Amendment No. 3.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, section 168.110, page 45, line 24 of said page, by adding after all of said line the following:

"171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance. [The opening date shall not be earlier than the first day of September, except:

(1) If the first day of September falls on Labor Day or a Saturday or Sunday, the school board in any school district may move the starting day for that term to a subsequent school day;

(2) In school districts in which schools are in session for twelve months of each calendar year; and

(3) In school districts in which the school board determines students are needed for agricultural production purposes.]

2. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county."; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, by deleting the last two lines of said amendment and inserting in lieu thereof the following: "by deleting said section from the bill; and

Further amend the title, enacting clause, and intersectional references accordingly."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, Section 160.415, Page 4, by deleting the opening bracket "[" from Line 19 of said page and the closing bracket "]" from Line 24 of said page.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, Page 46, Section 172.273, Lines 2-3, by removing ", and other commercial developments,".

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 173**, entitled:

An Act to repeal section 321.120, RSMo, and to enact in lieu thereof three new sections relating to fire protection district directors.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 173, Page 1, Section A, Line 9, by inserting after all of said line the following:

"190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical response agency including, but not limited to:

(1) A licensure period of five years;

(2) Medical direction;

(3) Records and forms; and

(4) Memorandum of understanding with local ambulance services.

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

5. Only emergency medical response agencies [licensed and serving in any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, or any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants] will be licensed to provide certain ALS services with the services of EMT-Is.

6. Emergency medical response agencies functioning with the services of EMT-Is must work in collaboration with an ambulance service providing advanced life support with personnel trained to the emergency medical technician-paramedic level."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HB 444, with **SCS**, entitled:

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of the gaming commission fund.

Was called from the Informal Calendar and taken up by Senator Yeckel.

SCS for **HB 444**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 444

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of the gaming commission fund.

Was taken up.

Senator Yeckel moved that **SCS** for **HB 444** be adopted.

Senator Yeckel offered **SS** for **SCS** for **HB 444**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 444

An Act to repeal sections 42.175 and 313.835, RSMo, and to enact in lieu thereof six new sections relating to veterans, with an emergency clause.

Senator Yeckel moved that **SS** for **SCS** for **HB 444** be adopted.

Senator Dougherty offered **SS** for **SS** for **SCS** for **HB 444**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 444

An Act to repeal sections 313.805, 313.822, and 313.835, RSMo, and to enact in lieu thereof seven new sections relating to the gaming funds, with an emergency clause.

Senator Dougherty moved that **SS** for **SS** for **SCS** for **HB 444** be adopted.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 444, Page 6, Section 313.805, Lines 19 and 20, by deleting the opening bracket on line 19 and the closing bracket on line 20; and further amend said bill, line 20, by deleting the underlined new language on lines 20 and 21.

Senator Scott moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

"313.812. 1. The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. **The total number of excursion gambling boat licenses which may be issued and current at any given time is twelve. In the event twelve such licenses have been issued and are current and a current excursion gambling boat license expires, the commission may renew such license or may issue a new license to a suitable applicant. In the event twelve such licenses have been issued and are current and a current excursion gambling boat license is forfeited by the licensee or is revoked by the board or commission, the commission may thereafter issue a new license to a suitable applicant. The commission shall not issue any excursion gambling boat licenses in the event twelve such licenses have been issued and no such licenses have yet expired, or been forfeited or revoked.** The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate and dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

- (1) The recommended number of licensed excursion gambling boats operating in such city or county;
- (2) The recommended licensee or licensees operating in such city or county;
- (3) The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;
- (4) The city or county proposed sharing of revenue with any other municipality;
- (5) Any other information such city or county deems necessary; and
- (6) Any other information the commission may determine is necessary.

The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

- (1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not prohibit a management contract with a person licensed by the commission; and
 - (2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.
3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.
4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.
5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme gift shop. The

amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without limitation, the commission may deny a license based solely on the fact that there is evidence that any of the following apply:

(1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;

(2) The applicant is not the true owner of the enterprise proposed;

(3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;

(4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license;

(5) The applicant has knowingly made a false statement of a material fact to the commission; or

(6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established his good reput and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. A licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed must be deposited within twenty-four hours. The commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

YES NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election.

Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306, RSMo, and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

(2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;

(3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;

(4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;

(5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;

(6) Employing in any gambling games' operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;

(7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to sections

313.800 to 313.850;

(8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;

(9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted.

Senator Scott raised the point of order that **SSA 1** for **SA 1** is out of order, as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 1 was again taken up.

Senator Griesheimer offered **SSA 2** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 444, Page 6, Section 313.805, Lines 19 and 20, by deleting the opening bracket "[" on line 19 and the closing bracket "]" on line 20; and further amend said bill, lines 20 and 21, by deleting the underlined language on said lines; and further amend said bill, page 10, section 313.822, lines 6-17, by striking all of the underlined language on said lines.

Senator Griesheimer moved that the above substitute amendment be adopted.

At the request of Senator Yeckel, **HB 444**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 1** and **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Champion, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SCS** for **SBs 299** and **40**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 299 and 40

The Conference Committee appointed on House Substitute for Senate Committee Substitute for Senate Bills Nos. 299 & 40, with House Amendments Nos. 1 and 3 to House Substitute (Part II) for Senate Committee Substitute for Senate Bills Nos. 299 & 40, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute For Senate Committee Substitute for Senate Bills Nos. 299 & 40, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 299 & 40;

3. That the attached Conference Committee Substitute for House Substitute For Senate Committee Substitute for Senate Bills Nos. 299 & 40, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Norma Champion
/s/ John Cauthorn
/s/ Charles R. Gross
/s/ Harry Kennedy
/s/ Stephen M. Stoll

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Roy W. Holand
/s/ Marsha Campbell
Jenee Lowe

Senator Champion moved that the above conference committee report be adopted.

At the request of Senator Champion, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 199**, entitled:

An Act to repeal sections 48.020, 48.030, 50.740, 56.640, 135.207, 304.010, and 473.730, RSMo, and to enact in lieu thereof nine new sections relating to counties, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendments Nos. 2, 3, 5, 6, 7, 8 and 9.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 2, Section 49.650(4), Line 27, by inserting after the word "railroad" the following: "or telecommunications or wireless".

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 4, Section 49.272, Line 20, by inserting after said line the following:

"49.650. 1. The governing authority of each county of the first classification, second classification, and fourth classification shall have the power to adopt ordinances or resolutions relating to its property, affairs, and local government for which no provision has been made in the constitution of this state or state statute regarding the following:

(1) County roads controlled by the county;

(2) Homeland security;

(3) Emergency management;

(4) Nuisance abatement, excluding agricultural and horticultural property as defined in section 137.016, RSMo;

(5) Stormwater control, excluding agricultural and horticultural property as defined in section 137.016, RSMo;

(6) Economic development; and

(7) Parks and recreation.

If any such ordinance, order, or resolution conflicts with a municipal ordinance, the municipal ordinance provisions shall prevail within the corporate boundaries of the municipality. All ordinances adopted pursuant to this section shall remain effective until repealed or amended by the governing authority, except that the general assembly shall have the power to further define, broaden, limit, or otherwise regulate the power of each such county to adopt ordinances, resolutions, or regulations.

2. The governing body of each county of the first classification, second classification, and fourth classification may submit any ordinance, resolution, or regulation proposed pursuant to this section for the approval of the qualified voters of the county. Any ordinance, resolution, or regulation submitted to the qualified voters pursuant to this section shall become effective if a majority of the qualified voters voting on the ordinance, resolution, or regulation are in favor of its adoption, but no ordinance, resolution, or regulation shall become effective if a majority of the qualified voters voting on the ordinance, resolution, or regulation are opposed to its adoption.

3. Notwithstanding any other provision of this section to the contrary, no tax shall be submitted to the voters of the county unless the tax has been authorized by statute by the general assembly.

4. No county shall have the power to adopt any ordinance, resolution, or regulation pursuant to this section governing any railroad company."; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 12, Section 135.207, Line 18 of said page, by inserting after all of said line the following:

"135.261. In addition to all other enterprise zones authorized in this chapter, the department of economic development shall designate one such zone in any county of the third classification without a township form of government and with more than thirty-two thousand five hundred but less than thirty-two thousand six hundred inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 9, Section 64.907, Line 4 of said page, by inserting after all of said line the following:

"67.1775. 1. The governing body of a city not within a county, or any county of [the first classification with a charter form of government with a population not less than nine hundred thousand inhabitants, or any county of the first classification with a charter form of government with a population not less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than one hundred seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than eighty thousand and not more than eighty-three thousand inhabitants, or any third classification county with a population not less than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the third classification with a population not less than nineteen thousand five hundred and not more than twenty thousand inhabitants] this state may, after voter approval pursuant to this section, levy a sales tax not to exceed one-quarter of a cent in the county for the purpose of providing services described in section 210.861, RSMo, including counseling, family support, and temporary residential services to

persons nineteen years of age or less. The question shall be submitted to the qualified voters of the county at a county or state general, primary or special election upon the motion of the governing body of the county or upon the petition of eight percent of the qualified voters of the county determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall County be authorized to levy a sales tax of (not to exceed one-quarter of a cent) in the county for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families?

[] Yes [] No

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the qualified voters of the county and a majority of such voters are in favor of such a tax, and not otherwise.

2. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury to the credit of a special "Community Children's Services Fund". Such fund shall be administered by a board of directors, established pursuant to section 210.861, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 12, Section 135.207, Line 18, by inserting after all of said line the following:

"190.306. No provision in this chapter shall be construed to require any municipality within any county of the third classification without a township form of government and with more than fifty-four thousand two hundred but less than fifty-four thousand three hundred inhabitants that has established an emergency telephone service to dissolve the service in the event that the county in which the municipality is located establishes an emergency telephone service and moves to a higher county classification."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 1, In the Title, Line 3 of said page, by inserting after "RSMo," the following: "and section 67.399, RSMo, as enacted by senate committee substitute for house substitute for house committee for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 67.399, RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session,"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by inserting after "RSMo," the following: "and section 67.399, RSMo, as enacted by senate committee substitute for house substitute for house committee for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 67.399, RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session,"; and

Further amend said bill, Page 9, Section 64.907, Line 4 of said page, by inserting after all of said line the following:

"67.399. 1. The governing body of any municipality or county with a charter form of government and with more than one million inhabitants may, by ordinance, establish a semiannual registration fee not to exceed two hundred

dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality **or county with a charter form of government and with more than one million inhabitants** shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality **or county with a charter form of government and with more than one million inhabitants** making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality **or county with a charter form of government and with more than one million inhabitants**. If the municipal **or county** officer revokes the registration fee, no such assessment shall be made and the matter shall be considered closed. If the [municipal] officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the [municipal] officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal **or county** officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven.

[67.399. 1. The governing body of any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand may adopt an ordinance as provided in this section. The ordinance may establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality. If the municipal officer revokes the registration fee, no such assessment shall be made and the matter shall be considered

closed. If the municipal officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the municipal officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven.]" ; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 20, Section 473.730, Line 3, by inserting after said line the following:

"644.581. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and this chapter.

644.582. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.583. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter." ; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 9, Section 64.907, Line 4, by inserting after all of said line the following:

"67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. Whenever not less than fifty owners of real property located within any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants, or any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants, or any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants, or any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, or any county of the first classification without a charter form of government and with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants, or any county of the second classification with

more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants, or any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

- (1) The name and residence of each petitioner and the location of the real property owned by the petitioner;
- (2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and
- (3) The name of the proposed district.

3. Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

- (1) A description of the boundaries of the proposed district;
- (2) The time and place of a hearing to be held to consider establishment of the proposed district;
- (3) The proposed sales tax rate to be voted on within the proposed district; and
- (4) The proposed uses for the revenue generated by the new sales tax.

4. Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

- (1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days nor less than ten days before the hearing;
- (2) Hear all protests and receive evidence for or against the establishment of the proposed district; and
- (3) Rule upon all protests, which determinations shall be final.

5. If the governing body of each county located within the proposed district following the hearing decides to establish the proposed district, it shall adopt an order to that effect. The order shall contain the following:

- (1) The description of the boundaries of the district;
- (2) A statement that an exhibition center and recreational facility district has been established;
- (3) The name of the district;
- (4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and
- (5) A declaration that the district is a political subdivision of the state.

6. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section, consisting of no more than twelve members. After adoption of the order creating the district, the governing body of each county located within the district shall appoint four residents of the portion of the district within the county to represent the district on the board of trustees. Each trustee shall

be at least twenty-five years of age. Of the initial trustees appointed, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership.

7. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of an exhibition center and recreational facilities or to assist in such activity;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. The district shall not mortgage, pledge, or give a deed of trust on any real property or interests which it obtained or acquired from the state or any agency or political subdivision thereof. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district, and may be further secured by other property of the district which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170, RSMo. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein.

8. A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax not to exceed one-half of one percent on all retail sales within the district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the (name of district) impose a sales tax of (insert rate) to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast favor the proposal, then the sales tax shall become effective on the first day of the second calendar quarter immediately following the election. If a majority of the votes cast oppose the proposal, then the district shall not impose the sales tax authorized in this section until after the district has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the district shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section.

9. There is hereby created the "Exhibition Center and Recreational Facility District Sales Tax Trust Fund", which shall consist of all revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri. The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

10. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, apply to the sales tax imposed pursuant to this section.

11. Any sales tax imposed pursuant to this section shall reduce to a rate of one-tenth of one percent twenty-five years from the effective date of the sales tax unless an extension of the sales tax is submitted to and approved by the qualified voters in each district in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the (name of district) extend the sales tax of (insert rate) for a period of (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a majority of the votes cast oppose the extension, then the district shall reduce the sales tax rate to one-tenth of one percent. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

12. Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo, or repurchase agreements secured by such securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

13. In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.

14. After August 28, 2003, any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants may create a district in any unincorporated area of the county, or in any incorporated area of the county upon approval of the governing body of the incorporated area by ordinance, pursuant to this section upon the filing of the required petition signed by all of the owners of property within the proposed district with the governing body of the county and upon unanimous approval of all owners of property within the district of the order creating the district and the proposed sales tax ballot question. In the event that any county creates a district pursuant to this subsection, and no registered voters reside within the boundaries of the district, the proposed sales tax ballot question and the extension of the sales tax authorized by this section shall be submitted to the qualified voters of the county.

67.2015. 1. The governing body of any county of the third classification without a township form of government and with more than eight thousand three hundred but less than eight thousand four hundred inhabitants may

impose, by ordinance or order, a surcharge on the sale of each ticket or other charge allowing admission to or participation in any private tourist attraction and on the daily rental of rooms or accommodations paid by transient guests of hotels, motels or campgrounds, as defined in section 94.802, RSMo, in such county, at a rate not to exceed five percent of such admission or amount. For purposes of this section, "private tourist attraction" means:

- (1) Organized trail rides; and
- (2) Canoe rentals.

Attractions operating on an occasional or intermittent basis for fund-raising purposes by nonprofit charitable organizations whose ordinary activities do not involve the operation of such attractions shall be exempt from the surcharge imposed by this section.

2. Every retailer, vendor, operator, and other person who sells goods and services subject to the surcharge imposed pursuant to this section shall be liable and responsible for the payment of surcharges due and shall make a return and remit such surcharges to the county, at such times and in such manner as the governing body of the county shall prescribe. The collection of the surcharges imposed by this section shall be computed in accordance with schedules or systems approved by the governing body of the county.

3. All surcharges authorized and collected under this section shall be deposited by the county in a special trust fund to be known as the "County Tourism Surcharge Trust Fund". The moneys in such fund shall not be commingled with any funds of the county. Moneys in the fund shall be used solely by the county for the promotion of tourism within the county. The surcharge authorized by this section shall be in addition to any and all other taxes allowed by law, but no order imposing a surcharge pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county at a county or state general, primary, or special election a proposal to authorize the governing body of the county to impose such surcharge.

4. The ballot of submission shall contain, but need not be limited to:

Shall the county of (insert name of county) impose a surcharge of (insert rate of tax) percent on the sales, charges or admissions on all hotels, motels or campgrounds rented for thirty days or less, and on the sales, charges or admissions to all private tourist attractions in the county?

YES NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order imposing the surcharge shall be effective. If a majority of the votes cast by the qualified voters voting on the proposal are opposed to the proposal, then the governing body of the county shall have no power to impose the surcharge authorized in this section unless and until the governing body of the county again submits another proposal to authorize the governing body of the county to impose the surcharge authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon.

5. The surcharge authorized by this section shall become effective within ninety days from the date such surcharges are approved by the voters of the county pursuant to this section. After the effective date of any surcharge imposed by this section, the county shall perform all functions incident to the administration, collection, enforcement, and operation of the surcharge. The surcharge imposed by this section shall be reported upon such forms as may be prescribed by the governing body of the county."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for Senate Bill No. 199, Page 4, Section 49.272, Line 20 of said section, by inserting immediately after said line the following:

"50.550. **1.** The annual budget shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions; the actual or estimated operating deficits or surpluses from prior years; all interest and debt redemption charges during the year and expenditures for capital projects.

2. The budget shall contain adequate provisions for the expenditures necessary for the care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs of holding circuit court in the county that are chargeable against the county, for the repair and upkeep of bridges other than on state highways and not in any special road district, and for the salaries, office expenses and deputy and clerical hire of all county officers and agencies.

3. In addition, the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures.

4. All receipts of the county for operation and maintenance shall be credited to the general fund, and all expenditures for these purposes shall be charged to this fund; except, that receipts from the special tax levy for roads and bridges shall be kept in a special fund and expenditures for roads and bridges may be charged to the special fund.

5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund created for the purpose, and all expenditures for this purpose shall be charged to the fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue, and all payments to retire the issue shall be charged to the fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

6. Subject to the provisions of section 50.565 the county commission may create a fund to be known as "The County Crime Reduction Fund".

7. The county commission may create other funds as are necessary from time to time.

50.565. 1. A county commission may establish by ordinance or order a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county crime reduction fund and shall be under the supervision of a board of trustees consisting of one citizen of the county appointed by the presiding commissioner of the county, one citizen of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county prosecuting attorney.

2. Money from the county crime reduction fund shall only be expended upon the approval of a majority of the members of the county crime reduction fund's board of trustees and only for the purposes provided for by subsection 3 of this section.

3. Money from the county crime reduction fund shall only be expended for the following purposes:

(1) Narcotics investigation, prevention, and intervention;

(2) Purchase of law enforcement related equipment and supplies for the sheriff's office;

(3) Matching funds for federal or state law enforcement grants;

(4) Funding for the reporting of all state and federal crime statistics or information; and

(5) Any law enforcement related expense, including those of the prosecuting attorney, approved by the board of trustees for the county crime reduction fund that is reasonably related to investigation, preparation, trial, and disposition of criminal cases before the courts of the state of Missouri.

4. The county commission may not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives from the county crime reduction fund. The crime reduction fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state, or federal funds.

5. County crime reduction funds shall be audited as are all other county funds."; and

Further amend said bill, Page 20, Section 473.730, Line 3 of said page, by inserting immediately after said line the following:

"558.019. 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

2. The provisions of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of a defendant after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the defendant has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the defendant must serve shall be forty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(2) If the defendant has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the defendant has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the defendant before he is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for defendants convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

- (a) The nature and severity of each offense;
- (b) The record of prior offenses by the offender;
- (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and
- (d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall publish and distribute its system of recommended sentences on or before July 1, 1995. The commission shall study the implementation and use of the system of recommended sentences until July 1, 1998, and return a final report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 1998, report, the commission may revise the recommended sentences every three years.

(5) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(6) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(7) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. If the imposition or execution of a sentence is suspended, the court may consider ordering restorative justice methods pursuant to section 217.777, RSMo, including any or all of the following, or any other method that the court finds just or appropriate:

- (1) Restitution to any victim for costs incurred as a result of the offender's actions;**
- (2) Offender treatment programs;**

- (3) **Mandatory community services;**
- (4) **Work release programs in local facilities; and**
- (5) **Community-based residential and nonresidential programs.**

8. If the imposition or execution of a sentence is suspended, in addition to the provisions of subsection 7 of this section, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to section 50.565, RSMo. Such contribution shall not exceed one thousand dollars for any charged offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565, RSMo. County crime reduction funds shall be audited as are all other county funds.

[7.] **9.** The provisions of this section shall apply only to offenses occurring on or after August 28, 1994.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but shall not be limited to:

- (1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and
- (2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

3. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty or a finding of guilt, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to section 50.565, RSMo. Such contribution shall not exceed one thousand dollars for any charged offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565, RSMo. County crime reduction funds shall be audited as are all other county funds.

[3.] **4.** The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

[4.] **5.** The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

6. The defendant may refuse probation conditioned on a payment to a county crime reduction fund. If he or she does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. A judge may order payment to a crime reduction fund only if such fund had been created prior to sentencing by ordinance or resolution of a county of the state of Missouri. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering the probationers to make payments. A defendant who fails to make a payment or payments to a county crime reduction fund may not have his probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant

either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay."; and

Further amend said bill, by amending the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 555** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 555**.

Representatives: Black, Myers, Byrd, George and Walsh.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees on **HCS** for **SCS** for **SB 379** are allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants further conference on **HCS** for **SB 552**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HS** for **HCS** for **HBs 679** and **396** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **HCS** for **SB 552**. Representatives: Byrd, Smith (118), Ruestman, Haywood and Donnelly.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 552**: Senators Yeckel, Loudon, Cauthron, Mathewson and Coleman.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 555**: Senators Kinder, Steelman, Klindt, Goode and Dougherty.

PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to recede from its position on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, and grant the House a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 978, regarding Briana Connor, Lee's Summit, which was adopted.

Senator Mathewson offered Senate Resolution No. 979, regarding the One Hundred Twenty-fifth Anniversary of the City of Slater, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

May 9, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Missouri Health Facilities Review Committee

Dear Terry:

Pursuant to Section 197.310, RSMo 2002, I am appointing Senator Gary Nodler to the Missouri Health Facilities Review Committee.

Please do not hesitate to contact me if you have further questions.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Wheeler introduced to the Senate, the Physician of the Day, Dr. Johnett P. LaBrie, M.D., Kansas City.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Tuesday, May 13, 2003.

SENATE CALENDAR

SEVENTY-SECOND DAY-TUESDAY, MAY 13, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 697-Mayer, et al

THIRD READING OF SENATE BILLS

SB 564-Gross

SENATE BILLS FOR PERFECTION

SB 414-Steelman, with SCS

SB 454-Coleman and Dougherty,
with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 138 (Klindt)

HS for HB 481-Crowell (Bartle)

HB 655-Wilson (130) (Foster)

HB 189-Parker, et al (Klindt)

HS for HCS for HB 121-

Portwood, with SCS (Shields)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 27-Gibbons, with SCS

SB 33-Loudon and Scott, with SS

(pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 209-Steelman, et al, with SCS

SB 217-Champion and Clemens,

with SS (pending)

SB 241-Yeckel, with SCS

SB 253-Steelman, et al, with SCS,

SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SBs 312, 49, 111, 113, 191, 206,

263, 404, 409, 418, 538, 550 &

584-Dolan, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,

331, 368, 369, 419, 484 &

581-Dolan, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan, with

SCS & SS for SCS (pending)

SBs 415, 88, 200, 223, 413, 523,

589 & 626-Yeckel, with SCS

SB 416-Yeckel, with SCS

SB 434-Yeckel, with SCS

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

SB 446-Bartle, with SCS

SB 449-Bartle

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2

(pending)

SB 455-Dougherty and Shields

SB 458-Childers

SB 460-Loudon, with SS &

SA 1 (pending)

SB 476-Jacob

SB 485-Shields, with SCS

SB 531-Childers, with SCS

SB 685-Gibbons, et al, with SCS

SB 693-Klindt, et al, with SCS

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HB 91-Mayer, with SCS (Steelman)

HCS for HB 144, with SCS

(Vogel)

HCS for HB 185, with SCS (Gross)

HS for HB 197-Johnson (47),

with SCS & SCA 1 (Shields)

HB 198-Stevenson, et al (Nodler)

HB 208-Engler, et al, with SCS

(Kinder)

HS for HCS for HB 257-

Munzlinger, with SCS

(Cauthorn)

HB 286-Bearden, with SCS

(Shields)

HCS for HB 288, with SCS

(Shields)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HB 327-Lipke, with SCS (Dolan)

HB 412-Goodman, et al

(Childers)

HB 444-Jackson, with SCS, SS

for SCS, SS for SS for SCS,

SA 1 & SSA 2 for SA 1

(pending) (Yeckel)

HB 445-Portwood, et al, with SCS

(Loudon)

HS for HB 470-Mayer, with SCS

(Bartle)

HS for HCS for HBs 517, 94,

149, 150 & 342-Portwood, with

SCS (Gross)

HS for HCS for HB 564-Behnen,

with SCS (Yeckel)

HB 598-Schlottach, et al, with

SCS (Dolan)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 505-Byrd and Villa,
with SCS (Mathewson)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 173-Quick, with HS for HCS,
as amended

SCS for SB 199-Childers, with

HS for HCS, as amended

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SB 470-Bartle, with HCS

SB 521-Gross, with HCS

SCS for SB 592-Foster, with HCS

SCS for SB 686-Russell, with HS

for HCS, as amended BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 36-Klindt,

with HCS, as amended

SCS for SB 69-Yeckel and

Nodler, with HCS

SB 186-Cauthorn, with HCS

(Senate adopted CCR

and passed CCS)

SCS for SB 246-Steelman, et al,

with HS for HCS, as amended

SS for SCS for SB 298-Griesheimer,

with HCS, as amended

SCS for SBs 299 & 40-Champion,

et al, with HS, as amended

SCS for SB 379-Champion,

with HCS

SB 394-Bartle, with HCS, as amended

SB 401-Dolan, et al, with HCS

SB 552-Yeckel, with HCS

(Further conference granted)

SS for SCS for SB 555-Kinder,
with HS for HCS
HCS for HB 427, with SCS (Bartle)
HCS for HB 600, with SS for
SS for SCS, as amended (Shields)
HCS for HB 613, with SCS,
as amended (Bartle)
HS for HB 668-Crawford, with
SS for SCS, as amended (Dolan)
HS for HCS for HBs 679 &
396-Hanaway, with SS, as
amended (Shields)

RESOLUTIONS

SCR 15-Dolan, et al
To be Referred
HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)

SCR 4-Jacob

SCR 18-Mathewson and Steelman

HCR 11-Moore and Walton (Bland)

SR 900-Mathewson

HCR 3-Townley (Klindt)

HCR 5-Townley (Klindt)

HCR 32-Miller (Gibbons)

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SECOND DAY--TUESDAY, MAY 13, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Senator Bartle offered the following prayer:

Father, we ask for Your leadership and guidance in these final days of this legislative session. We ask that You give us wisdom as we go about our business and I pray that You'll give us stamina as we bring the session to a close.

Father, we pray especially for our folks in Iraq who are working to set up a new government. We pray that You will raise up men and women to lead that country into democracy. Be with our troops all over this globe, Father.

We pray that You bless us and watch after our families. In Jesus Christ's name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the

day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33	Absent with leave--Senator DePasco--1		

RESOLUTIONS

Senator Days offered Senate Resolution No. 980, regarding Michael J. Cook, St. Peters, which was adopted.

Senator Bartle offered Senate Resolution No. 981, regarding Melisa Bauer, Independence, which was adopted.

Senator Bartle offered Senate Resolution No. 982, regarding Ben Martin, Lee's Summit, which was adopted.

Senator Yeckel offered Senate Resolution No. 983, regarding the One Hundredth Anniversary of the Bishop Rosati Council #795 of the Knights of Columbus, which was adopted.

CONCURRENT RESOLUTIONS

Senator Bland moved that **HCR 11** be taken up for adoption, which motion prevailed.

On motion of Senator Bland, **HCR 11** was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Quick	Russell	Stoll--3	
Absent with leave--Senators			
DePasco	Vogel--2		

Senator Klindt moved that **HCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Klindt, **HCR 3** was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
DePasco	Vogel--2		

Senator Klindt moved that **HCR 5** be taken up for adoption, which motion prevailed.

On motion of Senator Klindt, **HCR 5** was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey

Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Dougherty

Kinder

Quick--3

Absent with leave--Senators

DePasco

Vogel--2

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 686**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HS** for **HCS** for **HBS 679** and **396**, as amended: Senators Shields, Foster, Champion, Dougherty and Kennedy.

PRIVILEGED MOTIONS

Senator Klindt, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 36**, as amended, moved that the following conference committee report no. 2 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2

ON HOUSE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 36

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, with House Amendments Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 3 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendments Nos. 6, 7, 9, 10, House Substitute Amendment No. 1 for House Amendment No. 11, and House Amendment No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 36;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David G. Klindt
/s/ Sarah Steelman
/s/ Dan Clemens
/s/ Harold L. Caskey
/s/ Harry Kennedy

FOR THE HOUSE:

/s/ Peter Myers
/s/ Dennis Wood
/s/ Merrill Townley
/s/ Wes Shoemyer
/s/ Rachel L. Bringer

Senator Klindt moved that the above conference committee report no. 2 be adopted.

Senator Gross assumed the Chair.

Senator Bray raised the point of order that the conference committee report no. 2 on **HCS** for **SS** for **SCS** for **SB 36**, as amended, is out of order as it exceeds the differences between the two bodies.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Jacob raised the point of order that the conference committee report no. 2 on **HCS** for **SS** for **SCS** for **SB 36**, as amended, is out of order as language contained in both the Senate and House versions on hazardous waste fee extension has been omitted from the **CCS**.

Senator Jacob raised a second point of order that language contained in both Senate and House versions on burden of proof changes has been omitted from the **CCS**.

The points of order were referred to the President Pro Tem.

At the request of Senator Klindt, the motion to adopt conference committee report no. 2 on **HCS** for **SS** for **SCS** for **SB 36**, as amended, was withdrawn, rendering the points of order moot.

Senator Klindt moved that the Senate request the House to grant further conference on **HCS** for **SS** for **SCS** for **SB 36**, as amended, and that the conferees be allowed to exceed the differences, which motion prevailed.

Senator Childers moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 199**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 919**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE RESOLUTION NO. 919

WHEREAS, the State of Missouri and its political subdivisions is faced with recruitment and retention of highly trained and motivated police

officers; and

WHEREAS, Missouri benefits from its political subdivisions having the highest quality police force possible:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, hereby establish the "Interim Committee on Police Officer Residency"; and

BE IT FURTHER RESOLVED that the Committee shall be composed of five members of the Senate, three of which shall be appointed by the president pro tem and two of which shall be appointed by the minority floor leader; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the rules and policies concerning police officer residency requirements currently in place in political subdivisions within the State of Missouri, discover methods to attract new police officers, and retain existing officers, in order to uncover potential barriers in the recruitment and retention of exceptional police officers to best serve and protect the welfare of the citizens of the State of Missouri; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri Senate by January 1, 2004.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 977**, begs leave to report that it has considered the same and recommends that the resolution do pass.

HOUSE BILLS ON THIRD READING

HB 286, with **SCS**, introduced by Representative Bearden, et al, entitled:

An Act to repeal section 208.480, RSMo, and to enact in lieu thereof one new section relating to the federal hospital reimbursement allowance program.

Was called from the Informal Calendar and taken up by Senator Shields.

SCS for **HB 286**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 286

An Act to repeal sections 208.480 and 208.565, RSMo, and to enact in lieu thereof two new sections relating to the health care programs, with an emergency clause for a certain section.

Was taken up.

Senator Shields moved that **SCS** for **HB 286** be adopted.

Senator Shields offered **SS** for **SCS** for **HB 286**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 286

An Act to repeal sections 208.480, 208.565, 338.501, 338.515, 338.520, 338.525, 338.545, and 338.550, RSMo, and to enact in lieu thereof seven new sections relating to the health care programs, with an emergency clause for a certain section.

Senator Shields moved that **SS** for **SCS** for **HB 286** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 286, Page 6, Section 338.550, Line 14 of said page, by inserting after all of said line the following:

"Section 1. There shall be no tax subsidy or appropriation of the state of Missouri for the construction of a specialty surgical hospital as a pilot project in an county of the first classification with more than one hundred thirty-five thousand four hundred inhabitants, but less than one hundred thirty-five thousand five hundred inhabitants. Physicians and surgeons licensed pursuant to chapter 334, RSMo, may develop such a specialty surgical hospital without obtaining a certificate of need pursuant to sections 197.300 to 197.367, RSMo, provided:

- (1) At least fifty percent of the ownership is held by such physicians and surgeons;**
- (2) It is independent of and is not owned or controlled by any state agency or county hospital; and**
- (3) It does not have more than thirty licensed beds.**

Said specialty surgical hospital shall report to the department of health and senior services and the board of healing arts on the effectiveness."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 1** is out of order, as it goes beyond the scope, title and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Shields offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 286, Page 6, Section 338.550, Line 14, by deleting said line and inserting in lieu thereof the following: "30, 2005."

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SCS** for **HB 286**, as amended, be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SCS** for **HB 286**, as amended, be read the third time and finally passed.

Senator Shields was recognized to close.

President Pro Tem Kinder referred **SS** for **SCS** for **HB 286**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

The following Bill was read the second time and referred to the Committee indicated:

HB 697--Judiciary and Civil and Criminal Jurisprudence.

HOUSE BILLS ON THIRD READING

HS for **HB 197**, with **SCS** and **SCA 1**, entitled:

An Act to repeal sections 135.207, 135.208, 135.478, 135.481, 135.484, 135.487, and 135.530, RSMo, and to enact in lieu thereof nine new sections relating to economic development projects.

Was called from the Informal Calendar and taken up by Senator Shields.

SCS for **HS** for **HB 197**, with **SCA 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 197

An Act to repeal sections 32.100, 32.105, 32.110, 32.115, 32.117, 32.120, 100.105, 100.710, 100.840, 100.850, 135.207, 135.208, 135.313, 135.460, 135.478, 135.481, 135.484, 135.487, 135.500, 135.503, 135.516, 135.520, 135.530, 135.545, 135.750, 163.036, 348.256, 348.261, 620.017, 620.1039, 620.1100, 620.1103, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, 620.1560, section 32.125 as enacted by house substitute for senate bill no. 374, eighty-eighth general assembly, first regular session, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session, section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session and section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, RSMo, and to enact in lieu thereof forty-one new sections relating to economic development projects, with effective dates.

Was taken up.

Senator Shields moved that **SCS** for **HS** for **HB 197** be adopted.

SCA 1 was taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

SCS for **HS** for **HB 197**, as amended, was again taken up.

Senator Shields offered **SS** for **SCS** for **HS** for **HB 197**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 197

An Act to repeal sections 100.010, 100.050, 100.105, 100.180, 100.710, 100.840, 100.850, 135.207, 135.313, 135.327, 135.478, 135.481, 135.484, 135.487, 135.500, 135.503, 135.516, 135.520, 135.530, 348.256, 620.017, 620.1039, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, and 620.1560, RSMo, section 67.399, RSMo, as enacted by senate committee substitute for house substitute for house committee for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 67.399, RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, section 150.150 as enacted by house bill no. 1566, eighty-seventh general assembly, second regular session, and section 150.150 as enacted by house substitute for house committee substitute for senate bill no. 579, eighty-seventh general assembly, second regular session, and to enact in lieu thereof thirty-one new sections relating to economic development projects, with an effective date for certain sections.

Senator Shields moved that **SS** for **SCS** for **HS** for **HB 197** be adopted.

Senator Bartle assumed the Chair.

Senator Gross assumed the Chair.

Senator Jacob raised the point of order that **SS** for **SCS** for **HS** for **HB 197** is out of order, as the substitute exceeds the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Shields, **HS** for **HB 197**, with **SCS**, **SS** for **SCS** and the point of order (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 394** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 394

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 394, with House Perfecting Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. The House recedes from its position on House Committee Substitute for Senate Bill No. 394, with House Perfecting Amendment No. 1;
2. The Senate recedes from its position on Senate Bill No. 394;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 394, be Third Read and Finally Passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Matt Bartle
/s/ Anita Yeckel
/s/ Dan Clemens
/s/ Maida J. Coleman
/s/ Harry Kennedy

/s/ Richard Byrd
/s/ Bryan Pratt
/s/ Rick Johnson
/s/ Scott A. Lipke
/s/ Michael Vogt

Senator Bartle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Dolan--1		
	Absent with leave--Senators		
DePasco	Klindt--2		

On motion of Senator Bartle, **CCS** for **HCS** for **SB 394**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE

FOR SENATE BILL NO. 394

An Act to repeal sections 347.700, 347.720, 351.046, 351.182, 351.268, 351.315, 351.320, 351.385, 351.455, 358.150, 358.520 and 359.165, RSMo, and to enact in lieu thereof twelve new sections relating to general and business corporations.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Dolan--1		
	Absent with leave--Senators		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 640**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SJR 4**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 688**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 593**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS** for **HCS** for **HB 455**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross assumed the Chair.

PRIVILEGED MOTIONS

Senator Champion moved that the conference committee report on **HS** for **SCS** for **SBs 299** and **40**, as amended, be taken up for adoption, which motion prevailed.

Senator Champion moved that the conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle

Bland

Bray

Caskey

Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Dolan--1		
	Absent with leave--Senators		
DePasco	Klindt--2		

On motion of Senator Champion, **CCS** for **HS** for **SCS** for **SBs 299** and **40**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 299 and 40

An Act to repeal sections 33.210, 33.270, 33.800, 33.803, 33.805, 33.807, and 33.810, RSMo, and to enact in lieu thereof twenty-two new sections relating to performance-based budgeting.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 552** moved that the following conference committee report no. 2 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2

ON HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 552

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 552, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 552;
2. That Senate Bill No. 552, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Anita Yeckel
/s/ John Loudon
/s/ John Cauthorn
/s/ Jim Mathewson
/s/ Maida J. Coleman

FOR THE HOUSE:

/s/ Richard Byrd
/s/ Todd Smith
/s/ Marilyn Ruestman
/s/ Esther Haywood
/s/ Margaret Donnelly

Senator Yeckel moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Quick	Russell
Scott	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Shields--2		
	Absent with leave--Senators		
DePasco	Klindt--2		

On motion of Senator Yeckel, **SB 552** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Shields--1		

DePasco
Absent with leave--Senators
Klindt--2

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 69**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 69

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 69 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 69;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 69;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 69, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Anita Yeckel
/s/ Gary Nodler
/s/ Delbert Scott
/s/ Harry Kennedy
/s/ Charles Wheeler

FOR THE HOUSE:

/s/ Brian Baker
/s/ Neal St. Onge
/s/ Randal N. Angst
/s/ Craig Bland
/s/ Curt Dougherty

Senator Yeckel moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Days	Dolan
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		

NAYS--Senators

Bland	Bray	Coleman	Dougherty
Goode	Jacob--6		
	Absent--Senators--None		
	Absent with leave--Senators		
DePasco	Klindt--2		

On motion of Senator Yeckel, **CCS** for **HCS** for **SCS** for **SB 69**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 69

An Act to repeal sections 536.010 and 536.050, RSMo, and to enact in lieu thereof eight new sections relating to small businesses.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	NAYS--Senators		
Bland	Bray	Dougherty	Jacob--4
	Absent--Senators--None		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Quick moved that the Senate refuse to concur in **HS** for **HCS** for **SB 173**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate on the following corrected message on **HCS** for **SCS** for **SB 379**. The message to the Senate should have read: The House conferees on **HCS** for **SCS** for **SB 379** are allowed to exceed the differences by deleting certain sentences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 242**, entitled:

An Act to amend chapter 512, RSMo, by adding thereto one new section relating to supersedeas bond requirements, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 385**, entitled:

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation policies.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 984, regarding Wanda Gray Elementary School, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 985, regarding Alice Pittman Elementary School, Springfield, which was adopted.

Senator Scott offered Senate Resolution No. 986, regarding Dan L. Ikerd, Sedalia, which was adopted.

Senator Scott offered Senate Resolution No. 987, regarding Lois Brownsberger, Appleton City, which was adopted.

Senator Scott offered Senate Resolution No. 988, regarding Joe Brownsberger, Appleton City, which was adopted.

Senator Yeckel offered Senate Resolution No. 989, regarding Thomas Charles Boersig, III, Sappington, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

CONCURRENT RESOLUTIONS

Senator Gibbons moved that **HCR 32** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **HCR 32** was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Foster	Gibbons	Goode
Griesheimer	Kennedy	Kinder	Loudon

Mathewson	Nodler	Scott	Steelman
Stoll	Vogel	Yeckel--23	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan	Dougherty	Jacob
Quick	Russell	Shields	Wheeler--8
	Absent with leave--Senators		
DePasco	Gross	Klindt--3	

HOUSE BILLS ON THIRD READING

HCS for **HB 138**, entitled:

An Act to repeal sections 217.304 and 217.380, RSMo, and to enact in lieu thereof four new sections relating to the department of corrections.

Was taken up by Senator Cauthorn.

Senator Cauthorn offered **SS** for **HCS** for **HB 138**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 138

An Act to repeal sections 217.305 and 217.380, RSMo, and to enact in lieu thereof five new sections relating to the department of corrections.

Senator Cauthorn moved that **SS** for **HCS** for **HB 138** be adopted, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Cauthorn, **SS** for **HCS** for **HB 138** was read the third time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Clemens	Coleman	Days	Dolan
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Bray	Childers	Dougherty
Shields--5			
	Absent with leave--Senators		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HB 470**, with **SCS**, entitled:

An Act to repeal section 195.417, RSMo, and to enact in lieu thereof one new section relating to the sale of products containing methamphetamine precursors, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Bartle.

SCS for **HS** for **HB 470**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 470

An Act to repeal sections 195.417, 478.610, 542.276, 544.170, 565.092, 610.106, and 610.110, RSMo, and to enact in lieu thereof sixteen new sections relating to crime, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **HS** for **HB 470** be adopted.

Senator Bartle offered **SS** for **SCS** for **HS** for **HB 470**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 470

An Act to repeal section 195.417, and to enact in lieu thereof two new sections relating to products used to produce methamphetamine, with penalty provisions.

Senator Bartle moved that **SS** for **SCS** for **HS** for **HB 470** be adopted.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 470, Page 1, Section 195.417, Line 10, by striking the words "containing a sole active ingredient" and inserting in lieu thereof the word "**form**".

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Loudon, **SA 1** was withdrawn.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 470, Page 1, Section 195.417, Line 6, by striking the word "**two**" and inserting in lieu thereof the word "**three**"; and

Further amend said section, said page, line 13, by striking the word "**two**" and inserting in lieu thereof the word "**three**".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Caskey, Loudon and Kennedy.

SA 2 was adopted by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Childers
Coleman	Days	Dougherty	Goode
Jacob	Kennedy	Kinder	Loudon
Mathewson	Quick	Steelman	Stoll
Wheeler--17			
NAYS--Senators			
Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Nodler	Russell	Shields
Vogel	Yeckel--14		
Absent--Senator Scott--1			
Absent with leave--Senators			
DePasco	Klindt--2		

Senator Childers offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 470, Page 1, Section A, Line 3, by inserting after all of said line the following:

"67.265. Notwithstanding any other law to the contrary, any city or county of this state may enact ordinances or resolutions addressing tobacco related health issues."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 3** is out of order, as it is not germane to the bill.

At the request of Senator Childers, **SA 3** was withdrawn, rendering the point of order moot.

Senator Griesheimer offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 470, Page 3, Section 577.075, Line 16, by inserting after all of said line the following:

"Section 1. In any case where there is a violation of Chapter 195, RSMo, a judge may, upon a finding of guilt, order a defendant to pay for costs for testing of the substances at a private laboratory."

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **SS** for **SCS** for **HS** for **HB 470**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SS** for **SCS** for **HS** for **HB 470**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Goode--1		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HB 481** was placed on the Informal Calendar.

HB 655, introduced by Representative Wilson (130), et al, entitled:

An Act to repeal sections 162.680 and 162.962, RSMo, and to enact in lieu thereof two new sections relating to special education services.

Was taken up by Senator Foster.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 655, Page 2, Section 162.962, Line 22, by inserting immediately after said line the following:

"Section 1. Any student with a cochlear implant who attends the public schools of this state shall be entitled to an individualized education program upon the request of that student's parent or legal guardian."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Foster, **HB 655**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland	Quick	Scott--3
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Absent with leave--Senators

DePasco	Klindt--2
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The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 412, introduced by Representative Goodman, et al, entitled:

An Act to amend chapter 130, RSMo, by adding thereto two new sections relating to gubernatorial inaugural committees.

Was called from the Informal Calendar and taken up by Senator Childers.

Senator Childers offered **SS** for **HB 412**:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 412

An Act to repeal sections 105.473, 105.485, 105.487, 105.492, 105.957, 105.961, 105.963, 105.973, 130.011, 130.016, 130.021, 130.026, 130.036, 130.046, 130.049, 130.050, and 130.057, RSMo, and to enact in lieu thereof twenty new sections relating to ethics, with penalty provisions.

Senator Childers moved that **SS** for **HB 412** be adopted.

Senator Steelman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 412, Page 80, Section 130.059, Line 15, by inserting after all of said line the following:

"Section 1. Any state employee who is registered as a lobbyist shall report, on a quarterly basis, to the Missouri

Ethics Commission on the number of hours that said employee engaged in lobbying activities."

Senator Steelman moved that the above amendment be adopted.

At the request of Senate Steelman, **SA 1** was withdrawn.

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 412, page 65, Section 130.036, Line 3, by inserting immediately after said line the following:

"130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

(1) The full name, as required in the statement of organization pursuant to subsection 5 of section 130.021, and mailing address of the committee filing the report and the full name, mailing address and telephone number of the committee's treasurer and deputy treasurer if the committee has named a deputy treasurer;

(2) The amount of money, including cash on hand at the beginning of the reporting period;

(3) Receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;

(b) Total amount of all anonymous contributions accepted;

(c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;

(d) Total dollar value of all in-kind contributions received;

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;

(f) A listing of each loan received by name and address of the lender and date and amount of the loan. For each loan of more than one hundred dollars, a separate statement shall be attached setting forth the name and address of the lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan;

(4) Expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

(b) The total dollar amount of expenditures made in cash;

(c) The total dollar value of all in-kind expenditures made;

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

(e) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date;

(5) The total amount of cash on hand as of the closing date of the reporting period covered, including amounts in depository accounts and in petty cash fund;

(6) The total amount of outstanding indebtedness as of the closing date of the reporting period covered;

(7) The amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought. For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and continuing committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures; however, all such expenditures shall be listed pursuant to subdivision (4) of this subsection[;]. **The amount of expenditure apportioned to each candidate shall be reported to the candidate and to the Missouri ethics commission and to the appropriate election authority as described in section 130.026. Such report shall be made within ten days of making such expenditure. The report made to the Missouri ethics commission shall be made in an electronic format as prescribed by the commission and shall become a part of the candidate's disclosure report;**

(8) A separate listing by full name and address of any committee including a candidate committee controlled by the same candidate for which a transfer of funds or a contribution in any amount has been made during the reporting period, together with the date and amount of each such transfer or contribution;

(9) A separate listing by full name and address of any committee, including a candidate committee controlled by the same candidate from which a transfer of funds or a contribution in any amount has been received during the reporting period, together with the date and amount of each such transfer or contribution;

(10) Each committee that receives a contribution which is restricted or designated in whole or in part by the contributor for transfer to a particular candidate, committee or other person shall include a statement of the name and address of that contributor in the next disclosure report required to be filed after receipt of such contribution, together with the date and amount of any such contribution which was so restricted or designated by that contributor, together with the name of the particular candidate or committee to whom such contribution was so designated or restricted by that contributor and the date and amount of such contribution.

2. For the purpose of this section and any other section in this chapter except sections 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified amount, the aggregate amount shall be computed by adding all contributions received from any one person during the following periods:

(1) In the case of a candidate committee, the period shall begin on the date on which the candidate became a candidate according to the definition of the term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an election or at 11:59 p.m. on the day of the general election. If the candidate has a

general election held after a primary election, the next aggregating period shall begin at 12:00 midnight on the day after the primary election day and shall close at 11:59 p.m. on the day of the general election. Except that for contributions received during the thirty-day period immediately following a primary election, the candidate shall designate whether such contribution is received as a primary election contribution or a general election contribution;

(2) In the case of a campaign committee, the period shall begin on the date the committee received its first contribution and end on the closing date for the period for which the report or statement is required;

(3) In the case of a political party committee or a continuing committee, the period shall begin on the first day of January of the year in which the report or statement is being filed and end on the closing date for the period for which the report or statement is required; except, if the report or statement is required to be filed prior to the first day of July in any given year, the period shall begin on the first day of July of the preceding year.

3. The disclosure report shall be signed and attested by the committee treasurer or deputy treasurer and by the candidate in case of a candidate committee.

4. The words "consulting or consulting services, fees, or expenses", or similar words, shall not be used to describe the purpose of a payment as required in this section. The reporting of any payment to such an independent contractor shall be on a form supplied by the appropriate officer, established by the ethics commission and shall include identification of the specific service or services provided including, but not limited to, public opinion polling, research on issues or opposition background, print or broadcast media production, print or broadcast media purchase, computer programming or data entry, direct mail production, postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for each service."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 412, Page 1, Section A, Line 8, by inserting after all of said line the following:

"105.452. No elected or appointed official or employee of the state or any political subdivision thereof shall:

(1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the state or political subdivision; [or]

(2) Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated;

(3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person;

(4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons,

then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting and shall not be relieved by reason of the provisions of section 105.460, except that such official may act on increases in compensation subject to the restrictions of section 13 of article VII of the Missouri Constitution; [or]

(5) Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches himself, his spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value; **or**

(6) Appear in televised advertisements or commercials paid for with state funds. This subdivision shall only apply to elected or appointed officials."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Griesheimer offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 412, Page 15, Section 105.487, Line 14, by striking the opening and closing brackets; and further amend said line by striking the word "thirty-first"; and further amend said section and page, line 15, by striking the opening and closing brackets; and further amend said line by striking the word "march".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 412, Page 80, Section 130.059, Line 15, by inserting after all of said line the following:

"Section 1. Any state employee who is registered as a lobbyist shall report, on a quarterly basis, to the Missouri Ethics Commission on the number of hours that said employee engaged in lobbying activities. "Lobbying activities" shall not include responses to direct inquiries from members of the General Assembly."

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator Jacob offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Bill No. 412, page 19, Section 105.497, Line 4 of said page, by inserting immediately after said line the following:

"105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six members, is hereby established. The commission shall be assigned to the office of administration with supervision by the office of administration only for budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the office of administration shall not extend to matters relating to policies, regulative functions or appeals from decisions of the commission, and the commissioner of administration, any employee of the office of administration, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the commission in any manner not specifically provided by law and shall not in any manner interfere with the budget request of or withhold any moneys appropriated to the commission by the general assembly. All members of the commission shall be appointed by the governor with the advice and consent of the senate from lists submitted pursuant to this section. Each congressional district committee of the political parties having the two highest number of votes

cast for their candidate for governor at the last gubernatorial election shall submit two names of eligible nominees for membership on the commission to the governor, and the governor shall select six members from such nominees to serve on the commission.

2. Within thirty days of submission of the person's name to the governor as provided in subsection 1 of this section, and in order to be an eligible nominee for appointment to the commission, a person shall file a financial interest statement in the manner provided by section 105.485 and shall provide the governor, the president pro tempore of the senate, and the commission with a list of all political contributions and the name of the candidate or committee, political party, or continuing committee, as defined in chapter 130, RSMo, to which those contributions were made within the four-year period prior to such appointment, made by the nominee, the nominee's spouse, or any business entity in which the nominee has a substantial interest. The information shall be maintained by the commission and available for public inspection during the period of time during which the appointee is a member of the commission. In order to be an eligible nominee for membership on the commission, a person shall be a citizen and a resident of the state and shall have been a registered voter in the state for a period of at least five years preceding the person's appointment.

3. The term of each member shall be for four years, except that of the members first appointed, the governor shall select three members from even-numbered congressional districts and three members from odd-numbered districts. Not more than three members of the commission shall be members of the same political party, nor shall more than one member be from any one United States congressional district. Not more than two members appointed from the even-numbered congressional districts shall be members of the same political party, and no more than two members from the odd-numbered congressional districts shall be members of the same political party. Of the members first appointed, the terms of the members appointed from the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the members appointed from the even-numbered congressional districts shall expire on March 15, 1996. Thereafter all successor members of the commission shall be appointed for four-year terms. Terms of successor members of the commission shall expire on March fifteenth of the fourth year of their term. No member of the commission shall serve on the commission after the expiration of the member's term. No person shall be appointed to more than one full four-year term on the commission.

4. Vacancies or expired terms on the commission shall be filled in the same manner as the original appointment was made, except as provided in this subsection. Within thirty days of the vacancy or ninety days before the expiration of the term, the names of two eligible nominees for membership on the commission shall be submitted to the governor by the congressional district committees of the political party or parties of the vacating member or members, from the even- or odd-numbered congressional districts, based on the residence of the vacating member or members, other than from the congressional district committees from districts then represented on the commission and from the same congressional district party committee or committees which originally appointed the member or members whose positions are vacated. Appointments to fill vacancies or expired terms shall be made within forty-five days after the deadline for submission of names by the congressional district committees, and shall be subject to the same qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section. Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired term of the member whom the appointee succeeds, and such appointees shall be eligible for appointment to one full four-year term. If the congressional district committee does not submit the required two nominees within the thirty days or if the congressional district committee does not submit the two nominees within an additional thirty days after receiving notice from the governor to submit the nominees, then the governor may appoint a person or persons who shall be subject to the same qualifications for appointment and eligibility as provided in subsections 2 and 3 of this section.

5. The governor, with the advice and consent of the senate, may remove any member only for substantial neglect of duty, inability to discharge the powers and duties of office, gross misconduct or conviction of a felony or a crime involving moral turpitude. Members of the commission also may be removed from office by concurrent resolution of the general assembly signed by the governor. If such resolution receives the vote of two-thirds or more of the membership of both houses of the general assembly, the signature of the governor shall not be necessary to effect removal. The office of any member of the commission who moves from the congressional district from which the member was appointed shall be deemed vacated upon such change of residence.

6. The commission shall elect biennially one of its members as the chairman. The chairman may not succeed himself or herself after two years. No member of the commission shall succeed as chairman any member of the same political party as himself or herself. At least four members are necessary to constitute a quorum, and at least four affirmative votes shall be required for any action or recommendation of the commission.

7. No member or employee of the commission, during the person's term of service, shall hold or be a candidate for any other public office.

8. In the event that a retired judge is appointed as a member of the commission, the judge shall not serve as a special investigator while serving as a member of the commission.

9. No member of the commission shall, during the member's term of service or within one year thereafter:

(1) Be employed by the state or any political subdivision of the state;

(2) Be employed as a lobbyist;

(3) Serve on any other governmental board or commission;

(4) Be an officer of any political party or political organization;

(5) Permit the person's name to be used, or make contributions, in support of or in opposition to any candidate or proposition;

(6) Participate in any way in any election campaign; except that a member or employee of the commission shall retain the right to register and vote in any election, to express the person's opinion privately on political subjects or candidates, to participate in the activities of a civic, community, social, labor or professional organization and to be a member of a political party.

10. No employee of the commission shall, during the employee's period of employment:

(1) Have a financial interest in any corporation, partnership, limited liability company, or other business entity in which a candidate subject to the jurisdiction of the commission has a financial interest; or

(2) Make a contribution to a candidate or committee as defined in section 130.011, RSMo.

11. No person shall be hired by the commission who has been employed by a political party, candidate, or committee as defined in section 130.011 at any time during the one-year period prior to the beginning date of employment with the commission.

12. Each member of the commission shall receive, as full compensation for the member's services, the sum of one hundred dollars per day for each full day actually spent on work of the commission, and the member's actual and necessary expenses incurred in the performance of the member's official duties.

[11.] **13.** The commission shall appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission, but in no event for more than six years. The executive director shall be responsible for the administrative operations of the commission and perform such other duties as may be delegated or assigned to the director by law or by rule of the commission. The executive director shall employ staff and retain such contract services as the director deems necessary, within the limits authorized by appropriations by the general assembly.

[12.] **14.** Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of section 105.489, and campaign finance disclosure reports filed other than with election authorities or local election authorities as provided by section 130.026, RSMo, shall be filed with the commission.

[13.] **15.** Within sixty days of the initial meeting of the first commission appointed, the commission shall obtain from

the clerk of the supreme court or the state courts administrator a list of retired appellate and circuit court judges who did not leave the judiciary as a result of being defeated in an election. The executive director shall determine those judges who indicate their desire to serve as special investigators and to investigate any and all complaints referred to them by the commission. The executive director shall maintain an updated list of those judges qualified and available for appointment to serve as special investigators. Such list shall be updated at least annually. The commission shall refer complaints to such special investigators on that list on a rotating schedule which ensures a random assignment of each special investigator. Each special investigator shall receive only one unrelated investigation at a time and shall not be assigned to a second or subsequent investigation until all other eligible investigators on the list have been assigned to an investigation. In the event that no special investigator is qualified or available to conduct a particular investigation, the commission may appoint a special investigator to conduct such particular investigation.

[14.] **16.** The commission shall have the following duties and responsibilities relevant to the impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, RSMo, as provided in sections 105.955 to 105.963:

- (1) Receive and review complaints regarding alleged violation of sections 105.450 to 105.496 and chapter 130, RSMo, conduct initial reviews and investigations regarding such complaints as provided herein; refer complaints to appropriate prosecuting authorities and appropriate disciplinary authorities along with recommendations for sanctions; and initiate judicial proceedings as allowed by sections 105.955 to 105.963;
- (2) Review and audit any reports and statements required by the campaign finance disclosure laws contained in chapter 130, RSMo, and financial interest disclosure laws or lobbyist registration and reporting laws as provided by sections 105.470 to 105.492, for timeliness, accuracy and completeness of content as provided in sections 105.955 to 105.963;
- (3) Develop appropriate systems to file and maintain an index of all such reports and statements to facilitate public access to such information, except as may be limited by confidentiality requirements otherwise provided by law, including cross-checking of information contained in such statements and reports. The commission may enter into contracts with the appropriate filing officers to effectuate such system. Such filing officers shall cooperate as necessary with the commission as reasonable and necessary to effectuate such purposes;
- (4) Provide information and assistance to lobbyists, elected and appointed officials, and employees of the state and political subdivisions in carrying out the provisions of sections 105.450 to 105.496 and chapter 130, RSMo;
- (5) Make recommendations to the governor and general assembly or any state agency on the need for further legislation with respect to the ethical conduct of public officials and employees and to advise state and local government in the development of local government codes of ethics and methods of disclosing conflicts of interest as the commission may deem appropriate to promote high ethical standards among all elected and appointed officials or employees of the state or any political subdivision thereof and lobbyists;
- (6) Render advisory opinions as provided by this section;
- (7) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and chapter 130, RSMo. All rules and regulations issued by the commission shall be prospective only in operation;
- (8) Request and receive from the officials and entities identified in subdivision (6) of section 105.450 designations of decision-making public servants.

[15.] **17.** In connection with such powers provided by sections 105.955 to 105.963 and chapter 130, RSMo, the commission may:

- (1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be served and enforced in the same manner provided by section 536.077, RSMo;
- (2) Administer oaths and affirmations;
- (3) Take evidence and require by subpoena duces tecum the production of books, papers, and other records relating to

any matter being investigated or to the performance of the commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and enforced in the same manner provided by section 536.077, RSMo;

(4) Employ such personnel, including legal counsel, and contract for services including legal counsel, within the limits of its appropriation, as it deems necessary provided such legal counsel, either employed or contracted, represents the Missouri ethics commission before any state agency or before the courts at the request of the Missouri ethics commission. Nothing in this section shall limit the authority of the Missouri ethics commission as provided for in subsection 2 of section 105.961; and

(5) Obtain information from any department, division or agency of the state or any political subdivision reasonably calculated to lead to the discovery of evidence which will reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to 105.963 and chapter 130, RSMo.

[16.] **18.** (1) Upon written request for an advisory opinion received by the commission, and if the commission determines that the person requesting the opinion would be directly affected by the application of law to the facts presented by the requesting person, the commission shall issue a written opinion advising the person who made the request, in response to the person's particular request, regarding any issue that the commission can receive a complaint on pursuant to section 105.957. The commission may decline to issue a written opinion by a vote of four members and shall provide to the requesting person the reason for the refusal in writing. The commission shall give an approximate time frame as to when the written opinion shall be issued. Such advisory opinions shall be issued no later than ninety days from the date of receipt by the commission. Such requests and advisory opinions, deleting the name and identity of the requesting person, shall be compiled and published by the commission on at least an annual basis. Advisory opinions issued by the commission shall be maintained and made available for public inspection and copying at the office of the commission during normal business hours. Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall be withdrawn by the commission if, after hearing thereon, the joint committee on administrative rules finds that such advisory opinion is beyond or contrary to the statutory authority of the commission or is inconsistent with the legislative intent of any law enacted by the general assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings and conclusions of the joint committee on administrative rules. Any such concurrent resolution adopted by the general assembly shall be published at length by the commission in its publication of advisory opinions of the commission next following the adoption of such resolution, and a copy of such concurrent resolution shall be maintained by the commission, along with the withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also send a copy of such resolution to the person who originally requested the withdrawn advisory opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any person requesting such opinion and no person shall be liable for relying on the opinion and it shall act as a defense of justification against prosecution. An advisory opinion of the commission shall not be withdrawn unless:

- (a) The authorizing statute is declared unconstitutional;
- (b) The opinion goes beyond the power authorized by statute; or
- (c) The authorizing statute is changed to invalidate the opinion.

(2) Upon request, the attorney general shall give the attorney general's opinion, without fee, to the commission, any elected official of the state or any political subdivision, any member of the general assembly, or any director of any department, division or agency of the state, upon any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter 130, RSMo. Such opinion need be in writing only upon request of such official, member or director, and in any event shall be rendered within sixty days that such request is delivered to the attorney general.

[17.] **19.** The state auditor and the state auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070, RSMo, may audit the commission and in connection therewith may inspect materials relating to the functions of the commission. Such audit shall include a determination of whether appropriations were spent within the intent of the general assembly, but shall not extend to review of any file or document pertaining to any particular investigation, audit or review by the commission, an investigator or any staff or person employed by the

commission or under the supervision of the commission or an investigator. The state auditor and any employee of the state auditor shall not disclose the identity of any person who is or was the subject of an investigation by the commission and whose identity is not public information as provided by law.

[18.] **20.** From time to time but no more frequently than annually the commission may request the officials and entities described in subdivision (6) of section 105.450 to identify for the commission in writing those persons associated with such office or entity which such office or entity has designated as a decision-making public servant. Each office or entity delineated in subdivision (6) of section 105.450 receiving such a request shall identify those so designated within thirty days of the commission's request."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for House Bill No. 412, Page 6, Section 105.955, Lines 8-9, by striking all of said lines and insert in lieu thereof the following: "**that derives any portion of its income from a political party, a candidate who is subject to the jurisdiction of the commission or a committee as defined in Section 130.011**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

SA 6, as amended, was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Bill No. 412, Page 19, Section 105.497, Line 4 of said page, by inserting after all of said line the following:

"105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six members, is hereby established. The commission shall be assigned to the office of administration with supervision by the office of administration only for budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the office of administration shall not extend to matters relating to policies, regulative functions or appeals from decisions of the commission, and the commissioner of administration, any employee of the office of administration, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the commission in any manner not specifically provided by law and shall not in any manner interfere with the budget request of or withhold any moneys appropriated to the commission by the general assembly. All members of the commission shall be appointed by the governor with the advice and consent of the senate from lists submitted pursuant to this section. Each congressional district committee of the political parties having the two highest number of votes cast for their candidate for governor at the last gubernatorial election shall submit two names of eligible nominees for membership on the commission to the governor, and the governor shall select six members from such nominees to serve on the commission.

2. Within thirty days of submission of the person's name to the governor as provided in subsection 1 of this section, and in order to be an eligible nominee for appointment to the commission, a person shall file a financial interest statement in the manner provided by section 105.485 and shall provide the governor, the president pro tempore of the

senate, and the commission with a list of all political contributions and the name of the candidate or committee, political party, or continuing committee, as defined in chapter 130, RSMo, to which those contributions were made within the four-year period prior to such appointment, made by the nominee, the nominee's spouse, or any business entity in which the nominee has a substantial interest. The information shall be maintained by the commission and available for public inspection during the period of time during which the appointee is a member of the commission. In order to be an eligible nominee for membership on the commission, a person shall be a citizen and a resident of the state and shall have been a registered voter in the state for a period of at least five years preceding the person's appointment.

3. The term of each member shall be for four years, except that of the members first appointed, the governor shall select three members from even-numbered congressional districts and three members from odd-numbered districts. Not more than three members of the commission shall be members of the same political party, nor shall more than one member be from any one United States congressional district. Not more than two members appointed from the even-numbered congressional districts shall be members of the same political party, and no more than two members from the odd-numbered congressional districts shall be members of the same political party. Of the members first appointed, the terms of the members appointed from the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the members appointed from the even-numbered congressional districts shall expire on March 15, 1996. Thereafter all successor members of the commission shall be appointed for four-year terms. Terms of successor members of the commission shall expire on March fifteenth of the fourth year of their term. No member of the commission shall serve on the commission after the expiration of the member's term. No person shall be appointed to more than one full four-year term on the commission.

4. Vacancies or expired terms on the commission shall be filled in the same manner as the original appointment was made, except as provided in this subsection. Within thirty days of the vacancy or ninety days before the expiration of the term, the names of two eligible nominees for membership on the commission shall be submitted to the governor by the congressional district committees of the political party or parties of the vacating member or members, from the even- or odd-numbered congressional districts, based on the residence of the vacating member or members, other than from the congressional district committees from districts then represented on the commission and from the same congressional district party committee or committees which originally appointed the member or members whose positions are vacated. Appointments to fill vacancies or expired terms shall be made within forty-five days after the deadline for submission of names by the congressional district committees, and shall be subject to the same qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section. Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired term of the member whom the appointee succeeds, and such appointees shall be eligible for appointment to one full four-year term. If the congressional district committee does not submit the required two nominees within the thirty days or if the congressional district committee does not submit the two nominees within an additional thirty days after receiving notice from the governor to submit the nominees, then the governor may appoint a person or persons who shall be subject to the same qualifications for appointment and eligibility as provided in subsections 2 and 3 of this section.

5. The governor, with the advice and consent of the senate, may remove any member only for substantial neglect of duty, inability to discharge the powers and duties of office, gross misconduct or conviction of a felony or a crime involving moral turpitude. Members of the commission also may be removed from office by concurrent resolution of the general assembly signed by the governor. If such resolution receives the vote of two-thirds or more of the membership of both houses of the general assembly, the signature of the governor shall not be necessary to effect removal. The office of any member of the commission who moves from the congressional district from which the member was appointed shall be deemed vacated upon such change of residence.

6. The commission shall elect biennially one of its members as the chairman. The chairman may not succeed himself or herself after two years. No member of the commission shall succeed as chairman any member of the same political party as himself or herself. At least four members are necessary to constitute a quorum, and at least four affirmative votes shall be required for any action or recommendation of the commission.

7. No member or employee of the commission, during the person's term of service, shall hold or be a candidate for any other public office.

8. In the event that a retired judge is appointed as a member of the commission, the judge shall not serve as a special investigator while serving as a member of the commission.

9. No member of the commission shall, during the member's term of service or within one year thereafter:

(1) Be employed by the state or any political subdivision of the state;

(2) Be employed as a lobbyist;

(3) Serve on any other governmental board or commission;

(4) Be an officer of any political party or political organization;

(5) Permit the person's name to be used, or make contributions, in support of or in opposition to any candidate or proposition;

(6) Participate in any way in any election campaign; except that a member or employee of the commission shall retain the right to register and vote in any election, to express the person's opinion privately on political subjects or candidates, to participate in the activities of a civic, community, social, labor or professional organization and to be a member of a political party.

10. Each member of the commission shall receive, as full compensation for the member's services, the sum of one hundred dollars per day for each full day actually spent on work of the commission, and the member's actual and necessary expenses incurred in the performance of the member's official duties.

11. The commission shall appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission, but in no event for more than six years. The executive director shall be responsible for the administrative operations of the commission and perform such other duties as may be delegated or assigned to the director by law or by rule of the commission. The executive director shall employ staff and retain such contract services as the director deems necessary, within the limits authorized by appropriations by the general assembly.

12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of section 105.489, and campaign finance disclosure reports filed other than with election authorities or local election authorities as provided by section 130.026, RSMo, shall be filed with the commission.

13. Within sixty days of the initial meeting of the first commission appointed, the commission shall obtain from the clerk of the supreme court or the state courts administrator a list of retired appellate and circuit court judges who did not leave the judiciary as a result of being defeated in an election. The executive director shall determine those judges who indicate their desire to serve as special investigators and to investigate any and all complaints referred to them by the commission. The executive director shall maintain an updated list of those judges qualified and available for appointment to serve as special investigators. Such list shall be updated at least annually. The commission shall refer complaints to such special investigators on that list on a rotating schedule which ensures a random assignment of each special investigator. Each special investigator shall receive only one unrelated investigation at a time and shall not be assigned to a second or subsequent investigation until all other eligible investigators on the list have been assigned to an investigation. In the event that no special investigator is qualified or available to conduct a particular investigation, the commission may appoint a special investigator to conduct such particular investigation.

14. The commission shall have the following duties and responsibilities relevant to the impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, RSMo, as provided in sections 105.955 to 105.963:

(1) Receive and review complaints regarding alleged violation of sections 105.450 to 105.496 and chapter 130, RSMo, conduct initial reviews and investigations regarding such complaints as provided herein; refer complaints to appropriate prosecuting authorities and appropriate disciplinary authorities along with recommendations for sanctions; and initiate judicial proceedings as allowed by sections 105.955 to 105.963;

(2) Review and audit any reports and statements required by the campaign finance disclosure laws contained in chapter 130, RSMo, and financial interest disclosure laws or lobbyist registration and reporting laws as provided by sections 105.470 to 105.492, for timeliness, accuracy and completeness of content as provided in sections 105.955 to 105.963;

(3) Develop appropriate systems to file and maintain an index of all such reports and statements to facilitate public access to such information, except as may be limited by confidentiality requirements otherwise provided by law, including cross-checking of information contained in such statements and reports. The commission may enter into contracts with the appropriate filing officers to effectuate such system. Such filing officers shall cooperate as necessary with the commission as reasonable and necessary to effectuate such purposes;

(4) Provide information and assistance to lobbyists, elected and appointed officials, and employees of the state and political subdivisions in carrying out the provisions of sections 105.450 to 105.496 and chapter 130, RSMo;

(5) Make recommendations to the governor and general assembly or any state agency on the need for further legislation with respect to the ethical conduct of public officials and employees and to advise state and local government in the development of local government codes of ethics and methods of disclosing conflicts of interest as the commission may deem appropriate to promote high ethical standards among all elected and appointed officials or employees of the state or any political subdivision thereof and lobbyists;

(6) Render advisory opinions as provided by this section;

(7) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and chapter 130, RSMo. All rules and regulations issued by the commission shall be prospective only in operation;

(8) Request and receive from the officials and entities identified in subdivision (6) of section 105.450 designations of decision-making public servants.

15. In connection with such powers provided by sections 105.955 to 105.963 and chapter 130, RSMo, the commission may:

(1) **After the filing of a contested case, apply to a circuit court for the issuance of a subpoena to witnesses [and] to compel their attendance and testimony. Subpoenas shall be served and enforced in the same manner provided [by section 536.077, RSMo] in the Missouri Rules of Civil Procedure;**

(2) Administer oaths and affirmations;

(3) Take evidence and [require by], **after the filing of a contested case, apply to a circuit court for the issuance of a subpoena duces tecum the production of books, papers, and other records relating to any matter being investigated or to the performance of the commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and enforced in the same manner provided [by section 536.077, RSMo] in the Missouri Rules of Civil Procedure;**

(4) Employ such personnel, including legal counsel, and contract for services including legal counsel, within the limits of its appropriation, as it deems necessary provided such legal counsel, either employed or contracted, represents the Missouri ethics commission before any state agency or before the courts at the request of the Missouri ethics commission. Nothing in this section shall limit the authority of the Missouri ethics commission as provided for in subsection 2 of section 105.961; and

(5) Obtain information from any department, division or agency of the state or any political subdivision reasonably calculated to lead to the discovery of evidence which will reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to 105.963 and chapter 130, RSMo.

16. (1) Upon written request for an advisory opinion received by the commission, and if the commission determines that the person requesting the opinion would be directly affected by the application of law to the facts presented by the requesting person, the commission shall issue a written opinion advising the person who made the request, in response

to the person's particular request, regarding any issue that the commission can receive a complaint on pursuant to section 105.957. The commission may decline to issue a written opinion by a vote of four members and shall provide to the requesting person the reason for the refusal in writing. The commission shall give an approximate time frame as to when the written opinion shall be issued. Such advisory opinions shall be issued no later than ninety days from the date of receipt by the commission. Such requests and advisory opinions, deleting the name and identity of the requesting person, shall be compiled and published by the commission on at least an annual basis. Advisory opinions issued by the commission shall be maintained and made available for public inspection and copying at the office of the commission during normal business hours. Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall be withdrawn by the commission if, after hearing thereon, the joint committee on administrative rules finds that such advisory opinion is beyond or contrary to the statutory authority of the commission or is inconsistent with the legislative intent of any law enacted by the general assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings and conclusions of the joint committee on administrative rules. Any such concurrent resolution adopted by the general assembly shall be published at length by the commission in its publication of advisory opinions of the commission next following the adoption of such resolution, and a copy of such concurrent resolution shall be maintained by the commission, along with the withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also send a copy of such resolution to the person who originally requested the withdrawn advisory opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any person requesting such opinion and no person shall be liable for relying on the opinion and it shall act as a defense of justification against prosecution. An advisory opinion of the commission shall not be withdrawn unless:

- (a) The authorizing statute is declared unconstitutional;
- (b) The opinion goes beyond the power authorized by statute; or
- (c) The authorizing statute is changed to invalidate the opinion.

(2) Upon request, the attorney general shall give the attorney general's opinion, without fee, to the commission, any elected official of the state or any political subdivision, any member of the general assembly, or any director of any department, division or agency of the state, upon any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter 130, RSMo. Such opinion need be in writing only upon request of such official, member or director, and in any event shall be rendered within sixty days that such request is delivered to the attorney general.

17. The state auditor and the state auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070, RSMo, may audit the commission and in connection therewith may inspect materials relating to the functions of the commission. Such audit shall include a determination of whether appropriations were spent within the intent of the general assembly, but shall not extend to review of any file or document pertaining to any particular investigation, audit or review by the commission, an investigator or any staff or person employed by the commission or under the supervision of the commission or an investigator. The state auditor and any employee of the state auditor shall not disclose the identity of any person who is or was the subject of an investigation by the commission and whose identity is not public information as provided by law.

18. From time to time but no more frequently than annually the commission may request the officials and entities described in subdivision (6) of section 105.450 to identify for the commission in writing those persons associated with such office or entity which such office or entity has designated as a decision-making public servant. Each office or entity delineated in subdivision (6) of section 105.450 receiving such a request shall identify those so designated within thirty days of the commission's request."; and

Further amend said bill, Page 23, Section 105.961, Line 4 of said page, by inserting after the word "sections." the following: "**Discovery for such hearing and any subsequent contested case hearing shall be limited to only information that is reasonably calculated to lead to admissible evidence regarding the subject matter of the complaint.**"; and

Further amend said bill and section, Page 27, Lines 6 to 21, by striking all of said lines and renumber the remaining

subdivision accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for House Bill No. 412, Page 9, Section 105.955, Line 20, by inserting after all of said line the following:

"(4) Such subpoenas shall be sealed by the circuit clerk until such time as the matter is referred to the prosecuting attorney"; and further renumber the remaining subdivisions accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Bill No. 412, Page 79, Section 130.057, Line 29, by inserting after all of said line the following:

"9. In any case that challenges the commission's assessment of a late filing fee for any filing that is required to be made electronically, the commission shall bear the burden of proving that its electronic filing system was operable at the time the filing was required to be made.".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Childers moved that **SS** for **HB 412**, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, **SS** for **HB 412**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

DePasco Klindt--2

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended. Representatives: Hanaway, Wright, Stevenson, Wilson (42) and Fraser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended, and has taken up and passed **CCS** for **SS** for **SS** for **SCS** for **HCS** for **HB 600**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 668**, entitled:

An Act to repeal sections 144.010, 144.030, 147.120, 148.330, 265.300, 267.565, 276.606, 277.020, 277.200, 348.195, 348.210, 348.406, 348.412, 348.430, 348.432, 430.030, 578.405, 578.407, 578.409, 578.412, 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.740, 640.745, 640.747, 640.750, 640.755, 640.758, 644.016, and 644.051, RSMo, and to enact in lieu thereof thirty-eight new sections relating to agriculture, with penalty provisions.

With House Substitute Amendment No. 1 for House Amendment No. 1 and House Amendment No. 2.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 668, Page 56, Section 578.405, Lines 10-13, by deleting all of said lines and inserting in lieu thereof the following: "**are pastured, housed, or otherwise quartered;**"; and on page 57, section 578.407, lines 12-24, by deleting all of said lines and on line 25, by deleting the "(8)" and inserting in lieu thereof "(7)"; and on page 58, section 578.409, lines 9-10, by deleting the words "**for a violation of subdivision (7) of section 578.407 or**"; and on page 58, section 578.409, line 19, by deleting the "(8)" and inserting in lieu thereof "(7)"; and

Further amend title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 668, Page 68, Section 644.051, Lines 2 to 6 of said page, by deleting all of said lines and inserting in lieu thereof the following: "**contrary, notices of violation shall not be issued for a release of a water contaminant from an animal confinement facility or the animal waste application system, excluding lagoons, that is totally confined on the owner's property, so long as it does not enter waters of the state and clean up begins within twenty-four hours and is remediated as soon as practicable.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 173**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 199**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 199**, as amended.
Representatives: Johnson (47), Mayer, Wasson, George and Villa.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants further conference on **HCS** for **SS** for **SCS** for **SB 36**, as amended, and that the conferees are allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **HCS** for **SS** for **SCS** for **SB 36**, as amended. Representatives: Myers, Wood, Townley, Shoemyer and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 686**, as amended and grants the Senate a conference thereon and the conferees be allowed to exceed the differences by allowing school districts to place on the ballot bond issues for the purposes of rebuilding property damaged by severe weather.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 686**, as amended.
Representatives: Jetton, Cunningham 86, Wallace, Davis 122, and Corcoran.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS No. 2** for **SS** for **SCS** for **SB 2**, entitled:

An Act to repeal sections 285.300, 286.020, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.121, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof sixteen new sections relating to employees, with an emergency clause and penalty provisions.

With House Amendments Nos. 1, 2, 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 33, Section 288.121, Line 10, following the word "received," by deleting the following: "any increase in"; and

Further amend House Substitute for Senate Substitute No.2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 33, Section 288.121, Line 12, following the word "shall" by deleting the words "remain in effect" and inserting in lieu thereof: **"not decrease"**; and

Further amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 42, Section 288.330, Line 1, following the word "this" by deleting the word "section" and inserting in lieu thereof the word: **"act"**; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 14, Section 288.040, Line 13, by inserting after all of said line the following:

"(3) A professionally administered and documented positive chemical test result for a controlled substance, as defined pursuant to section 195.010, RSMo, or for blood alcohol content of eight-hundredths of one percent or more by weight of alcohol in the claimant's blood, performed by a laboratory meeting the certification standards required by the United States Department of Transportation, the College of American Pathologists, the state of Missouri, or equivalent accrediting body, shall be deemed misconduct connected with work. Ineligibility pursuant to a positive chemical test shall apply only in claims against the employer who employed the claimant at the time of the positive test result. The employer suspending an employee pursuant to this provision shall have notified the employee of the employer's controlled substance and alcohol workplace policy by conspicuously posting the policy in the workplace, by including the policy in an employee handbook, or by statement of such policy in a collective bargaining agreement governing employment of the employee. The policy shall state that a positive test result shall be deemed misconduct and may result in suspension or termination of employment."; and

Further amend said bill, Page 26, Section 288.050, Line 7, by inserting after all of said line the following:

"(3) For the purposes of this chapter, a professionally administered and documented positive chemical test result for a controlled substance, as defined pursuant to section 195.010, RSMo, or for blood alcohol content of eight-hundredths of one percent or more by weight of alcohol in the claimant's blood, performed by a laboratory meeting the certification standards required by the United States Department of Transportation, the College of American Pathologists, the state of Missouri, or equivalent accrediting body, shall be deemed misconduct connected with work. Disqualification for benefits pursuant to a positive chemical test shall apply only in claims against the employer who employed the claimant at the time of the positive test result. The employer discharging an employee pursuant to this provision shall have notified the employee of the employer's controlled substance and alcohol workplace policy by conspicuously posting the policy in the workplace, by including the policy in an employee handbook, or by statement of such policy in a collective bargaining agreement governing employment of the employee. The policy shall state that a positive test result shall be deemed misconduct and may result in suspension or termination of employment."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 12, 288.040, Lines 12-18, by deleting the entirety of said lines and inserting in lieu thereof the

following:

"(d) The director of the division of employment security has determined that the claimant is prevented from reporting due to emergency conditions that limit access by the general public to an office that serves the area where the claimant resides, but only during the time such circumstances exist. The director may make this decision absent an official state declaration of disaster, but shall notify the state emergency management director as well as the governor of this decision."; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 26, Section 288.395, Line 9, by inserting after said line the following:

"Section 1. If any provision of this act is found by a court of competent jurisdiction to be invalid or unconstitutional it is the stated intent of the legislature that the legislature would have approved the remaining portions of the act, and the remaining portions of the act shall remain in full force and effect."; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 48, Section 288.395, Line 13, by inserting after said line the following:

"288.500. 1. There is created under this section a voluntary "Shared Work Unemployment Compensation Program". In connection therewith, the division may adopt rules and establish procedures, not inconsistent with this section, which are necessary to administer this program.

2. As used in this section, the following terms mean:

- (1) "Affected unit", a specified department, shift, or other unit of three or more employees which is designated by an employer to participate in a shared work plan;
- (2) "Division", the division of employment security;
- (3) "Fringe benefit", health insurance, a retirement benefit received under a pension plan, a paid vacation day, a paid holiday, sick leave, and any other analogous employee benefit that is provided by an employer;
- (4) "Normal weekly hours of work", as to any individual, the lesser of forty hours or the average obtained by dividing the total number of hours worked per week in the preceding twelve-week period by the number twelve;
- (5) "Participating employee", an employee who works a reduced number of hours under a shared work plan;
- (6) "Participating employer", an employer who has a shared work plan in effect;
- (7) "Shared work benefit", an unemployment compensation benefit that is payable to an individual in an affected unit because the individual works reduced hours under an approved shared work plan;
- (8) "Shared work plan", a program for reducing unemployment under which employees who are members of an affected unit share the work remaining after a reduction in their normal weekly hours of work;
- (9) "Shared work unemployment compensation program", a program designed to reduce unemployment and stabilize the work force by allowing certain employees to collect unemployment compensation benefits if the employees share the work remaining after a reduction in the total number of hours of work and a corresponding reduction in wages.

3. An employer who wishes to participate in the shared work unemployment compensation program established under this section shall submit a written shared work plan in a form acceptable to the division for approval. As a condition for approval by the division, a participating employer shall agree to furnish the division with reports relating to the operation of the shared work plan as requested by the division. The employer shall monitor and evaluate the operation of the established shared work plan as requested by the division and shall report the findings to the division.

4. The division may approve a shared work plan if:

(1) The employer has filed all reports required to be filed under this chapter for all past and current periods and has paid all contributions due for all past and current periods;

(2) The shared work plan applies to and identifies a specified affected unit;

(3) The employees in the affected unit are identified by name and Social Security number;

(4) The shared work plan reduces the normal weekly hours of work for an employee in the affected unit by not less than twenty percent and not more than forty percent;

(5) The shared work plan applies to at least ten percent of the employees in the affected unit;

(6) The shared work plan describes the manner in which the participating employer treats the fringe benefits of each employee in the affected unit; and

(7) The employer certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of temporary layoffs that would affect at least ten percent of the employees in the affected unit and that would result in an equivalent reduction in work hours.

5. If any of the employees who participate in a shared work plan under this section are covered by a collective bargaining agreement, the shared work plan shall be approved in writing by the collective bargaining agent.

6. No shared work plan which will subsidize seasonal employers during the off-season or subsidize employers, at least fifty percent of the employees of which have normal weekly hours of work equaling thirty-two hours or less, shall be approved by the division. **No shared work plan benefits will be initiated for pay periods when the reduced hours reflect holiday earnings already committed to be paid by the employer.**

7. The division shall approve or deny a shared work plan not later than the thirtieth day after the day on which the shared work plan is received by the division. The division shall approve or deny a plan in writing. If the division denies a plan, the division shall notify the employer of the reasons for the denial. Approval or denial of a plan by the division shall be final and such determination shall be subject to review in the manner otherwise provided by law. If approval of a plan is denied by the division, the employer may submit a new plan to the division for consideration no sooner than forty-five calendar days following the date on which the division disapproved the employer's previously submitted plan.

8. The division may revoke approval of a shared work plan and terminate the plan if it determines that the shared work plan is not being executed according to the terms and intent of the shared work unemployment compensation program, or if it is determined by the division that the approval of the shared work plan was based, in whole or in part, upon information contained in the plan which was either false or substantially misleading.

9. Each shared work plan approved by the division shall become effective on the first day of the week in which it is approved by the division or on a later date as specified in the shared work plan. Each shared work plan approved by the division shall expire on the last day of the twelfth full calendar month after the effective date of such shared work plan.

10. An employer may modify a shared work plan created under this section to meet changed conditions if the modification conforms to the basic provisions of the shared work plan as originally approved by the division. The

employer shall report the changes made to the plan in writing to the division at least seven days before implementing such changes. The division shall reevaluate the shared work plan and may approve the modified shared work plan if it meets the requirements for approval under subsection 4 of this section. The approval of a modified shared work plan shall not, under any circumstances, affect the expiration date originally set for the shared work plan. If modifications cause the shared work plan to fail to meet the requirements for approval, the division shall deny approval of the modifications as provided in subsection 7 of this section.

11. Notwithstanding any other provisions of this chapter, an individual is unemployed for the purposes of this section in any week in which the individual, as an employee in an affected unit, works less than his normal weekly hours of work in accordance with an approved shared work plan in effect for that week.

12. An individual who is otherwise entitled to receive regular unemployment insurance benefits under this chapter shall be eligible to receive shared work benefits with respect to any week in which the division finds that:

- (1) The individual is employed as a member of an affected unit subject to a shared work plan that was approved before the week in question and is in effect for that week;
- (2) Notwithstanding the provisions of subdivision (2) of subsection 1 of section 288.040, the individual is able to work, available for work and works all available hours with the participating employer;
- (3) The individual's normal weekly hours of work have been reduced by at least twenty percent but not more than forty percent, with a corresponding reduction in wages; and
- (4) The individual has served a "waiting week" as defined in section 288.030.

13. A waiting week served under the provisions of subdivision (3) of subsection 1 of section 288.040 shall serve to meet the requirements of subdivision (4) of subsection 12 of this section and a waiting week served under the provisions of subdivision (4) of subsection 12 of this section shall serve to meet the requirements of section 288.040. If the waiting week becomes payable, it shall be paid according to the law governing the program under which it was served. Notwithstanding any other provisions of this chapter, an individual who files a new initial claim during the pendency of the twelve-month period in which a shared work plan is in effect shall serve a waiting week whether or not the individual has served a waiting week under this subsection.

14. The division shall not deny shared work benefits for any week to an otherwise eligible individual by reason of the application of any provision of this chapter that relates to availability for work, active search for work, or refusal to apply for or accept work with an employer other than the participating employer under the plan.

15. The division shall pay an individual who is eligible for shared work benefits under this section a weekly shared work benefit amount equal to the individual's regular weekly benefit amount for a period of total unemployment less any deductible amounts under this chapter except wages received from any employer, multiplied by the full percentage of reduction in the individual's hours as set forth in the employer's shared work plan. If the shared work benefit amount calculated under this subsection is not a multiple of one dollar, the division shall round the amount so calculated to the next lowest multiple of one dollar. An individual shall be ineligible for shared work benefits for any week in which the individual performs paid work for the participating employer in excess of the reduced hours established under the shared work plan.

16. An individual shall not be entitled to receive shared work benefits and regular unemployment compensation benefits in an aggregate amount which exceeds the maximum total amount of benefits payable to that individual in a benefit year as provided under section 288.038. Notwithstanding any other provisions of this chapter, an individual shall not be eligible to receive shared work benefits for more than twenty-six calendar weeks during the twelve-month period of the shared work plan. No week shall be counted as a week of unemployment for the purposes of this subsection unless it occurs within the twelve-month period of the shared work plan.

17. Notwithstanding any other provision of this chapter, all benefits paid under a shared work plan, which are chargeable to the participating employer or any other base period employer of a participating employee shall be

charged to the account of the participating employer under the plan.

18. An individual who has received all of the shared work benefits and regular unemployment compensation benefits available in a benefit year is an exhaustee under section 288.062 and is entitled to receive extended benefits under section 288.062 if the individual is otherwise eligible under that section."

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 36**, as amended: Senators Klindt, Steelman, Clemens, Caskey and Kennedy.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 199**, as amended: Senators Childers, Griesheimer, Nodler, Caskey and Quick.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 686**, as amended: Senators Russell, Foster, Childers, Caskey and Stoll.

PRIVILEGED MOTIONS

Senator Russell moved that the conferees on **HS** for **HCS** for **SCS** for **SB 686**, as amended, be allowed to exceed the differences by allowing school districts to place on the ballot bond issues for the purpose of rebuilding property damaged by severe weather, which motion prevailed.

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 600

The Conference Committee appointed on Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House No. 600, with Senate Amendments Nos. 1, 2, 3, 4, 5, 8, 9, 11, 13, Part II of No. 14, 15, 16, 17, 18 as amended, 19, and 20, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House No. 600, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 600;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Substitute for Senate

Committee Substitute for House Committee Substitute for House No. 600, be Third Read and Finally Passed.

FOR THE SENATE:

- /s/ Charlie Shields
- /s/ Carl M. Vogel
- /s/ Charles R. Gross
- /s/ Jim Mathewson
- /s/ Wayne Goode

FOR THE HOUSE:

- /s/ Shannon Cooper
- /s/ Mike Sutherland
- /s/ Allen Icet
- Robert Hilgemann
- Vicky Riback Wilson

Senator Shields moved that the above conference committee report be adopted.

Senator Jacob offered a substitute motion that the Senate refuse to adopt the conference committee report on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended, and request the House to grant further conference; and further that the conferees be allowed to exceed the differences to include only items that will bring in additional revenue to the state of Missouri and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Stoll and Wheeler.

The substitute motion made by Senator Jacob failed of adoption by the following vote:

YEAS--Senators			
Bray	Caskey	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler-- 12
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Kinder	Loudon	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel-- 18		
Absent--Senators			
Bland		Dolan-- 2	
Absent with leave--Senators			
DePasco	Klindt-- 2		

Senator Shields moved that the Conference Committee Report on **SS** for **SS** for **SCS** for **HCS** for **HB 600** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel-- 32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			

On motion of Senator Shields, **CCS** for **SS** for **SS** for **SCS** for **HCS** for **HB 600**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 600

An Act to repeal sections 32.057, 34.040, 67.990, 71.620, 143.124, 143.181, 143.225, 143.782, 144.025, 144.030, 144.081, 144.190, 144.250, 191.831, 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, 196.445, 208.565, 301.190, 302.304, 302.540, 306.016, 338.501, 338.520, 338.545, 338.550, 339.105, 351.120, 351.140, 351.484, 355.856, 356.211, 577.041, 577.049, and 577.520, RSMo, and to enact in lieu thereof forty-two new sections relating to taxation, with penalty provisions and an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
DePasco	Klindt--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			

Absent--Senator Dougherty--1

Absent with leave--Senators

DePasco

Klindt--2

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Kinder, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 555**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 555

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 555, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 555;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 555;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 555, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Peter Kinder
/s/ Sarah Steelman
/s/ David G. Klindt
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Lanie G. Black
/s/ Richard Byrd
/s/ Peter Myers
/s/ Thomas George
/s/ Gina Walsh

Senator Kinder moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross

Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Dougherty--1		
	Absent with leave--Senators		
DePasco	Klindt--2		

On motion of Senator Kinder, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 555**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
 FOR HOUSE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 555

An Act to repeal section 91.030, RSMo, and to enact in lieu thereof two new sections relating to the supply of electrical power and energy to aluminum smelting facilities, with an emergency clause.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder

Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
DePasco	Klindt--2		

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 298**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 298

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, with House Amendments Nos. 1, 2, 3, 4, and 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 298;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Griesheimer
 /s/ Doyle Childers
 /s/ Sarah Steelman
 /s/ Jim Mathewson
 /s/ Stephen Stoll

FOR THE HOUSE:

/s/ Robert Johnson
 /s/ Kim Engler
 Ed Emery
 /s/ Thomas Villa
 /s/ Cathy Jolly

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bray	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Mathewson
Nodler	Quick	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--24
	NAYS--Senators		
Bartle	Bland	Caskey	Cauthorn
Foster	Loudon	Russell	Scott--8
	Absent--Senators--None		
	Absent with leave--Senators		
DePasco	Klindt--2		

Senator Shields assumed the Chair.

Senator Gross assumed the Chair.

On motion of Senator Griesheimer, **CCS** for **HCS** for **SS** for **SCS** for **SB 298**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 298

An Act to repeal sections 311.080, 311.097, 311.098, 311.102, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.401, 311.480, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof twenty-two new sections relating to liquor control, with penalty provisions.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bray	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
	NAYS--Senators		
Bartle	Bland	Caskey	Foster
Russell	Scott--6		
	Absent--Senators--None		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Champion, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 379**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 379

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 379, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 379;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 379;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 379, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Norma Champion
/s/ Gary Nodler
/s/ Doyle Childers
/s/ Jim Mathewson
/s/ Charles Wheeler

FOR THE HOUSE:

/s/ Mark Wright
/s/ Larry Morris
/s/ Bob Dixon
/s/ Thomas George
/s/ Ray Salva

Senator Champion moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

On motion of Senator Champion, **CCS** for **HCS** for **SCS** for **SB 379**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 379

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Dougherty--1		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Dolan moved that the conference be dissolved on **HCS** for **SB 401** and that **HCS** for **SB 401** be taken up for third reading and final passage, which motion prevailed.

HCS for **SB 401**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 401

An Act to repeal sections 595.010 and 595.045, RSMo, and to enact in lieu thereof two new sections relating to crime victim compensation, with penalty provisions.

Was taken up.

Senator Dolan moved that **HCS** for **SB 401** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Mathewson--2		
	Absent with leave--Senators		
DePasco	Klindt--2		

On motion of Senator Dolan, **HCS** for **SB 401** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Mathewson--2		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 36**, as amended, moved that the following conference committee report no. 3 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 3

ON HOUSE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 36

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, with House Amendments Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 3 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendments Nos. 6, 7, 9, 10, House Substitute Amendment No. 1 for House Amendment No. 11, and House Amendment No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 36;
3. That the attached Conference Committee Substitute No. 3 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David G. Klindt
/s/ Sarah Steelman
/s/ Dan Clemens
/s/ Harold Caskey
/s/ Harry Kennedy

FOR THE HOUSE:

/s/ Peter Myers
/s/ Dennis Wood
/s/ Merrill Townley
/s/ Wes Shoemyer
/s/ Rachel L. Bringer

Senator Steelman moved that the above conference committee report no. 3 be adopted.

At the request of Senator Steelman, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 346**, entitled:

An Act to repeal sections 30.270, 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 364.030, 364.105, 365.030, 367.140, 367.509, 369.159, 400.9-525, 407.433, 408.140, 408.233, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.500, 408.653, 408.654, and 447.510, RSMo, and to enact in lieu thereof thirty-two new sections relating to banking, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS No. 2** for **SB 695**, entitled:

An Act to repeal sections 208.015, 208.151, 208.152, 208.154, 208.156, 208.162, 208.565, 208.640, 208.643, 338.501, 338.515, 338.520, 338.545, and 338.550, RSMo, and to enact in lieu thereof twelve new sections relating to medical services and eligibility, with an emergency clause.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute No. 2 for Senate Bill 695, Section 208.015, Page 3, Lines 7-13 by deleting all of said lines; and

Further amend said bill, Section 208.151, Page 13, Line 10 by inserting after the word "level" on said line the following:

"Notwithstanding any other provision of law to the contrary, if in any given fiscal year moneys are not appropriated for coverage of medical assistance for persons whose income, calculated using less restrictive income methodologies, as authorized in 452 U.S.C. section 1396 (r)(2), exceeds eighty percent of the federal poverty level, those persons will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits in that fiscal year."; and

Further amend said bill, Section 208.151, Pages 13 and 14, Lines 20 through 25 on page 13, and Lines 1 through 3 on Page 14 by deleting all of said lines and inserting in lieu thereof the following:

"disability benefits shall not be limited by age."; and

Further amend said bill, Section 208.152, Page 20, Lines 7-14, by deleting all of said lines and inserting in lieu thereof the following:

"(a) Effective July 1, 2003, any policy not already in existence imposing restrictions of payment for services authorized under subdivision 9 of subsection 1 of this section, including but not limited to prior authorization or preferred drug lists, shall only be implemented by rules and regulations pursuant to chapter 536, RSMo. Clinical edits and step therapy shall be considered a form of prior authorization for purposes of the rule making process.

(b) The department may conduct negotiations for supplemental rebates with individual manufacturers and such negotiations shall not have any predetermined discount levels.

(c) Notwithstanding any other provision of law, information disclosed by manufacturers or wholesalers pursuant to this chapter, or under an agreement with the division, is confidential and shall not be disclosed by the division or any other state agency or contractor therein in any form which discloses the identity of a specific manufacturer or wholesaler or the prices charged for drugs by such manufacturer or wholesaler, except to permit the state auditor to review the information provided in the division of medical services for rebate administration."; and

Further amend said bill, Section 208.152, Page 29 and 30, Lines 17 through 25 on page 29 and Line 1 on Page 30 by deleting all of said lines and inserting in lieu thereof the following:

"the state for goods or services described herein; except that, any payments made by recipients for nonemergency medically necessary transportation under this section shall be a credit against any payments owed by the state for such services. In the event a vendor of nonemergency medically necessary transportation does not receive co-payments pursuant to this section, then the vendor is not obligated to provide such services. If the vendor provides such services pursuant to orders of a court, or is mandated by the division of medical services or its successor, the vendor shall receive payments equal to the amounts of services rendered pursuant to the agreement with the division of medial services or its successor for such services."; and

Further amend said bill, Section 208.154, Pages 31 and 32, Lines 17 through 25 on page 31 and Lines 1 through 6 on Page 32 by deleting all of said lines and inserting in lieu thereof the following:

"208.154 [If the funds at the disposal or which may be obtained by the division of family services] 1. Notwithstanding

any other provision of law to the contrary, [for the] payment of public assistance [money payment] benefits pursuant to section 208.015, RSMo, or the payment of medical assistance benefits pursuant to section 208.162, RSMo, may only be provided if appropriations are made available for such benefits.

2. If the funds available to the department of social services and its divisions for the payment of benefits pursuant to sections 208.015 and 208.162, RSMo [or to or on behalf of any person for medical assistance benefits] shall at any time become insufficient to pay the full amount thereof, the amount of any **such [type of] payment [to or on behalf of each of such persons] shall be reduced pro rata [in proportion to such deficiency in the total amount available or to become available for such purpose].**

3. If in any given fiscal year moneys are not appropriated to fund the benefits in sections 208.015 or 208.162, RSMo, such benefits shall not be provided and persons otherwise eligible for benefits will no longer be deemed eligible for such benefits during that fiscal year.

4. Resources available shall be documented by the moneys appropriated by law for the purposes described in this section, less actions by the governor pursuant to article IV, sections 26 and 27 of the Missouri constitution, and section 33.290, RSMo."; and

Further amend said bill, Section 208.640, Page 40, Line 7 by inserting after all of said line the following:

"4. Any co-payments for which partici-pants are responsible pursuant to this section shall be a credit against any payments owed by the state for such services, except that if such copayment is not paid by the participant, the state shall pay the amount of the credit to the provider if a claim is made to the division of medical services as outlined in subdivision c of subsection 5 of this section.

5. If a mandatory co-payment is not paid, the provider may:

a. Forego the co-payment; or

b. Make arrangements for future payments with the recipient; or

c. The provider shall make reasonable efforts to collect copays. After said efforts, the provider may file a claim with the division of medical services to report the non-payment and secure payment for the service from the division of medical services.

6. When the division of medical services receives a claim from a provider for non-payment of a mandatory co-payment, the division shall send a notice to the recipient. Such notice shall:

a. Request the recipient to reimburse the division of medical services for the mandatory co-payment made on the recipient's behalf;

b. Request information from the recipient to determine whether the mandatory co-payment was not made because of a change in the financial situation of the family; and

c. Advise the recipient of the possible loss of coverage under the program for up to six months if the recipient fails to provide three co-payments within a one-year period. The director of the department of social services shall apply to the United States Secretary of Health and Human Services for all waivers of requirements under federal law necessary to implement the provisions of this subdivision."; and

Further amend said title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 173**, as amended.
Representatives: Hunter, Brown, Parker, Walton and Boykins.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341 and 420**, entitled:

An Act to repeal sections 56.807, 84.140, 86.251, 86.690, 104.010, 104.040, 104.110, 104.271, 104.340, 104.370, 104.460, 104.517, 104.1003, 104.1021, 104.1024, 104.1051, 104.1072, 104.1093, 169.712, and 287.845, RSMo, and to enact in lieu thereof twenty-eight new sections relating to the retirement systems and benefits, with penalty provisions and an emergency clause for certain sections.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 248, 100, 118, 233, 247, 341, & 420, Page 31, Section 104.040, Line 1, by inserting after the word "**his**", the words, "**or her**"; and

Further amend said bill, Page 36, Section 104.110, Line 15, by inserting after "**residence**", the word, "**and**"; and

Further amend said bill, said page, said section, Line 17, by deleting the word, "**for**"; and

Further amend said bill, Page 54, Section 104.517, Line 18, by inserting after "**residence**", the word, "**and**"; and

Further amend said bill, Page 78, Section 104.1072, Line 11, by inserting after "**residence**", the word "**and**"; and

Further amend said bill, Page 85, Section 1, Line 4, by deleting the word, "**Medical**" and inserting in lieu thereof, the word, "**medical**"; and

Further amend said bill, Page 88, Section 2, Line 9, by deleting the word, "**affected**" and inserting in lieu thereof, the word "**effected**"; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 248, 100, 118, 233, 247, 341, & 420, Page 89, Section 2, Line 11, by deleting the words, "**personnel advisory board.**" and inserting in lieu thereof, the words, "**office of administration.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 248, 100, 118, 233, 247, 341, & 420, Pages 2-3, Section 56.807, Lines 5-17, by removing said section from the bill; and

Further amend said bill, Pages 83-84, Section 488.026, by deleting said section from the bill; and

Further amend the title enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 990, regarding Roxy Flores, which was adopted.

Senator Vogel offered Senate Resolution No. 991, regarding Christopher Young, which was adopted.

Senator Jacob offered Senate Resolution No. 992, regarding Vickie South, which was adopted.

Senator Jacob offered Senate Resolution No. 993, regarding Zach Ketner, which was adopted.

Senator Klindt offered Senate Resolution No. 994, regarding Seth Michael Cox, Trenton, which was adopted.

Senator Foster offered Senate Resolution No. 995, regarding Jerome M. Holtmeyer, Jefferson City, which was adopted.

Senator Dolan offered Senate Resolution No. 996, regarding Sara R. Dietrich, Lake St. Louis, which was adopted.

COMMUNICATIONS

Senator Klindt submitted the following:

May 13, 2003

Mrs. Terry L. Spieler, Secretary of the Senate

Room 325, State Capitol

Jefferson City, MO 65101

Dear Secretary Spieler:

Due to a personal medical emergency, I find it necessary to take temporary leave of the Senate at this time. Regarding CCS/HCS/SS/SB 36, I have signed Conference Committee Report #3 and in my absence am designating Senator Sarah Steelman to take control of the bill as sponsor.

Thank you.

Sincerely,

/s/ David G. Klindt

State Senator

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Steve Smith, M.D., St. Louis.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Wednesday, May 14, 2003.

SENATE CALENDAR

SEVENTY-THIRD DAY-WEDNESDAY, MAY 14, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 564-Gross

SENATE BILLS FOR PERFECTION

SB 414-Steelman, with SCS

SB 454-Coleman and

Dougherty, with SCS

SJR 4-Cauthorn

HOUSE BILLS ON THIRD READING

HB 189-Parker, et al

(Klindt/Vogel)

HS for HCS for HB 121-

Portwood, with SCS (Shields)

HCS for HB 640 (Days)

HCS for HB 688, with SCS

(Kinder)

HB 593-Deeken, et al (Loudon)

HS for HCS for HB 455-

Thompson, with SCS (Kinder)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 27-Gibbons, with SCS

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 209-Steelman, et al, with SCS

SB 217-Champion and Clemens,

with SS (pending)

SB 241-Yeckel, with SCS

SB 253-Steelman, et al, with SCS,

SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SBs 312, 49, 111, 113, 191, 206,

263, 404, 409, 418, 538, 550 &

584-Dolan, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,

331, 368, 369, 419, 484 &

581-Dolan, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,

with SCS & SS for SCS (pending)

SBs 415, 88, 200, 223, 413, 523,

589 & 626-Yeckel, with SCS

SB 416-Yeckel, with SCS

SB 434-Yeckel, with SCS

SB 436-Klindt, with SCS, SS

for SCS & SA 2 (pending)

SB 446-Bartle, with SCS

SB 449-Bartle

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2 (pending)

SB 455-Dougherty and Shields

SB 458-Childers

SB 460-Loudon, with SS & SA 1 (pending)

SB 476-Jacob

SB 485-Shields, with SCS

SB 531-Childers, with SCS

SB 685-Gibbons, et al, with SCS

SB 693-Klindt, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 91-Mayer, with SCS

(Steelman)

HCS for HB 144, with SCS

(Vogel)

HCS for HB 185, with SCS

(Gross)

HS for HB 197-Johnson (47),

with SCS, SS for SCS & point

of order (pending) (Shields)

HB 198-Stevenson, et al (Nodler)

HB 208-Engler, et al, with SCS

(Kinder)

HS for HCS for HB 257-

Munzlinger, with SCS (Cauthorn)

SS for SCS for HB 286-Bearden (Shields)

(In Fiscal Oversight)

HCS for HB 288, with SCS

(Shields)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HB 327-Lipke, with SCS (Dolan)

HB 444-Jackson, with SCS, SS for
SCS, SS for SS for SCS, SA 1 &
SSA 2 for SA 1 (pending)
(Yeckel)

HB 445-Portwood, et al, with SCS
(Loudon)

HS for HB 481-Crowell (Bartle)

HS for HCS for HBs 517, 94, 149,
150 & 342-Portwood, with SCS
(Gross)

HS for HCS for HB 564-Behnen,
with SCS (Yeckel)

HB 598-Schlottach, et al, with
SCS (Dolan)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 505-Byrd and Villa,
with SCS (Mathewson)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SS for SCS for

SB 2-Russell, with HS, as amended

SS for SB 242-Yeckel, with HCS

SS#2 for SCS for SBs 248,

100, 118, 233, 247,

341 & 420-Gross, with

HS for HCS, as amended

SS for SCS for SB 346-

Yeckel, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 385-Scott,
with HCS

SB 470-Bartle, with HCS

SB 521-Gross, with HCS

SCS for SB 592-Foster, with HCS

SB 668-Cauthorn and Klindt, with
HS for HCS, as amended

SS#2 for SB 695-Goode and
Russell, with HS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 36-
Klindt/Steelman, with HCS,
as amended

(Further conference granted)

SCS for SB 69-Yeckel and
Nodler, with HCS

(Senate adopted CCR
and passed CCS)

SB 173-Quick, with HS for
HCS, as amended

SB 186-Cauthorn, with HCS

(Senate adopted CCR

and passed CCS)

SCS for SB 199-Childers, with

HS for HCS, as amended

SCS for SB 246-Steelman, et al,

with HS for HCS, as amended

SS for SCS for SB 298-Griesheimer,

with HCS, as amended

(Senate adopted CCR and passed CCS)

SCS for SBs 299 & 40-

Champion, et al, with HS, as amended

(Senate adopted CCR

and passed CCS)

SCS for SB 379-Champion, with HCS

(Senate adopted CCR

and passed CCS)

SB 394-Bartle, with HCS,

as amended

(Senate adopted CCR

and passed CCS)

SB 552-Yeckel, with HCS

(Senate adopted CCR#2

and passed bill)

SS for SCS for SB 555-Kinder,

with HS for HCS

(Senate adopted CCR

and passed CCS)

SCS for SB 686-Russell, with

HS for HCS, as amended

HCS for HB 427, with SCS (Bartle)

HCS for HB 613, with SCS,

as amended (Bartle)

HS for HB 668-Crawford,

with SS for SCS, as

amended (Dolan)

HS for HCS for HBs 679 &

396-Hanaway, with SS,

as amended (Shields)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 4-Jacob

SCR 18-Mathewson and

Steelman

SR 900-Mathewson

SR 919-Steelman, et al,
with SCS

SR 977-Griesheimer

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-THIRD DAY--WEDNESDAY, MAY 14, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"If God be for us, who can be against us?" (Romans 8:31)

Gracious God, we know it would be presumptuous to assume You are always on our side, whether in an argument or a dispute; so we pray that we may always be on Your side. Help us to seek to do Your will and follow the path You have laid before us, no matter how unpopular it may be; let us not be ever afraid to do what is right. And Father, we pray for Senator Klindt and his family, that You will comfort them with Your presence and give them Your peace. We pray for Mrs. Klindt that in these final days and hours You will provide her mercy and grace and touch her soul and give her life eternally. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
Absent with leave--Senators			
DePasco	Klindt--2		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Shields offered Senate Resolution No. 997, regarding Rachel Elizabeth Roepe, Alma, which was adopted.

Senator Vogel offered Senate Resolution No. 998, regarding Thomas J. "Tom" Frank, Jefferson City, which was adopted.

Senator Shields offered Senate Resolution No. 999, regarding Nancy Reys, St. Joseph, which was adopted.

Senator Kennedy offered Senate Resolution No. 1000, regarding Southern Reynolds County R-II School District, Ellington, which was adopted.

Senator Steelman moved that **SR 919**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SR 919** was taken up.

Senator Steelman moved that **SCS** for **SR 919** be adopted, which motion prevailed.

On motion of Senator Steelman, **SR 919**, as amended by the **SCS**, was adopted.

Senator Griesheimer moved that **SR 977** be taken up for adoption, which motion prevailed.

On motion of Senator Griesheimer, **SR 977** was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HBs 346** and **174** and has taken up and passed **SCS** for **HCS** for **HBs 346** and **174**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 243**, entitled:

An Act to amend chapter 37, RSMo, by adding thereto two new sections relating to the creation of the property preservation fund, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 16**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 12**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 427** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 427**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 613**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 613**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HB 412** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HB 655** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HS** for **HB 470** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Foster moved that **HB 655**, with **SA 1**, be taken up for third reading and final passage, which motion prevailed.

SA 1 was taken up.

Senator Caskey moved that the Senate recede from its position on **SA 1**, which motion prevailed.

On motion of Senator Foster, **HB 655** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Champion
Childers	Clemens	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bland	Cauthorn	Coleman	Quick
Russell--5			
Absent with leave--Senators			
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Childers moved that the Senate refuse to recede from its position on **SS** for **HB 412**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Bartle moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 470**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 470**, as amended: Senators Bartle, Yeckel, Dolan, Wheeler and Kennedy.

PRIVILEGED MOTIONS

Senator Yeckel moved that **SS** for **SB 242**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 242**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 242

An Act to amend chapter 512, RSMo, by adding thereto one new section relating to supersedeas bond requirements, with an emergency clause.

Was taken up.

President Pro Tem Kinder assumed the Chair.

Senator Yeckel moved that **HCS** for **SS** for **SB 242** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Champion
Childers	Clemens	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Cauthorn	Coleman	Quick--4
Absent with leave--Senators			
DePasco	Klindt--2		

On motion of Senator Yeckel, **HCS** for **SS** for **SB 242** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Champion
Childers	Clemens	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland	Cauthorn	Coleman	Quick--4
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Absent with leave--Senators

DePasco	Klindt--2
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The President Pro Tem declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 202**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

PRIVILEGED MOTIONS

Senator Gross moved that the Senate refuse to concur in **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341 and 420**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 697**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

HB 198, introduced by Representative Stevenson, et al, entitled:

An Act to repeal section 544.170, RSMo, and to enact in lieu thereof one new section relating to confinement of

persons without process, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Nodler.

Senator Bartle offered **SS** for **HB 198**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 198

An Act to repeal sections 32.056, 115.157, 217.305, 217.380, 302.060, 302.309, 302.321, 302.541, 416.615, 478.610, 537.046, 542.276, 544.170, 565.092, 577.023, 577.041, 577.500, 589.400, 589.407, 589.414, RSMo, and to enact in lieu thereof thirty-seven new sections relating to crimes and punishment, with penalty provisions.

Senator Bartle moved that **SS** for **HB 198** be adopted.

Senator Shields assumed the Chair.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 198, Page 10, Section 217.343, Line 29 of said page, by inserting after all of said line the following:

"217.362. 1. The department of corrections shall design and implement an intensive long-term program for the treatment of chronic nonviolent offenders with serious substance abuse addictions who have not pleaded guilty to or been convicted of a dangerous felony as defined in section 556.061, RSMo.

2. Prior to sentencing, any judge considering an offender for this program shall notify the department. The potential candidate for the program shall be screened by the department to determine eligibility. The department shall, by regulation, establish eligibility criteria and inform the court of such criteria. The department shall notify the court as to the offender's eligibility and the availability of space in the program. Notwithstanding any other provision of law to the contrary, except as provided for in section 558.019, RSMo, if an offender is eligible and there is adequate space, the court may sentence a person to the program which shall consist of institutional drug **or alcohol** treatment for a period of **at least twelve and no more than** twenty-four months, as well as a term of incarceration. **The department shall determine the nature, intensity, duration, and completion criteria of the education, treatment, and aftercare portions of any program services provided.** Execution of the offender's term of incarceration shall be suspended pending completion of said program. Allocation of space in the program may be distributed by the department in proportion to drug arrest patterns in the state. If the court is advised that an offender is not eligible or that there is no space available, the court shall consider other authorized dispositions.

3. [Notwithstanding any other provision of the law to the contrary, upon successful completion of the program, the board of probation and parole may advise the sentencing court of the eligibility of the individual for probation. The original sentencing court shall hold a hearing to make a determination as to the fitness of the offender to be placed on probation. The court shall follow the recommendation of the board unless the court makes a determination that such a placement would be an abuse of discretion. If an offender successfully completes the program before the end of the twenty-four-month period, the department may petition the court and request that probation be granted immediately.] **Upon successful completion of the program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. If the court determines that probation is not appropriate the court may order the execution of the offender's sentence.**

4. If it is determined by the department that the offender has not successfully completed the program, or that the offender is not cooperatively participating in the program, the offender shall be removed from the program and the court shall be advised. Failure of an offender to complete the program shall cause the offender to serve the sentence

prescribed by the court and void the right to be considered for probation on this sentence.

5. An offender's first incarceration in a department of corrections program pursuant to this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term pursuant to the provisions of section 558.019, RSMo." and

Further amend said bill, Page 11, Section 217.380, Line 25 of said page, by inserting after all of said line the following:

"217.541. 1. The department shall by rule establish a program of house arrest. The director or his designee may extend the limits of confinement of offenders serving sentences for class C or D felonies who have [one year] **two years** or less remaining prior to release on parole, conditional release, or discharge to participate in the house arrest program.

2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state board of probation and parole.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave his place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The board of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional facility of the department for reclassification.

6. Each offender who is released to house arrest shall pay a percentage of his wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate fund and shall be expended to support the house arrest program.

217.730. 1. The period served on parole, except for judicial parole granted or revoked pursuant to section 559.100, RSMo, shall be deemed service of the term of imprisonment and, subject to the provisions of section 217.720 relating to an offender who is or has been a fugitive from justice, the total time served may not exceed the maximum term or sentence.

2. When an offender on parole or conditional release, before the expiration of the term for which the offender was sentenced, has performed the obligation of his parole for such time as satisfies the board that his final release is not incompatible with the best interest of society and the welfare of the individual, the board may make a final order of discharge and issue a certificate of discharge to the offender. No such order of discharge shall be made in any case less than three years after the date on which the offender was paroled or conditionally released except where the sentence expires earlier.

3. Upon final discharge, persons shall be informed in writing on the process and procedure to register to vote.

217.750. 1. At the request of a judge of any circuit court, the board shall provide probation services for such court as provided in subsection 2 of this section.

2. The board shall provide probation services for any person convicted of any class of felony. The board shall not [be required to] provide probation services for any class of misdemeanor except those class A misdemeanors the basis of which is contained in chapters 565[,] **and** 566 [and 570], RSMo, or in section 568.050, RSMo, 455.085, RSMo, or section 455.538, RSMo. [The board may in its discretion accept other persons for supervision who have been convicted of driving while intoxicated under the provisions of section 577.023, RSMo.]

217.760. 1. In all felony cases and class A misdemeanor cases, the basis of which misdemeanor cases are contained in chapters 565[,] **and** 566, [and 570,] RSMo, and section 577.023, RSMo, at the request of a circuit judge of any circuit court, the board shall assign one or more state probation and parole officers to make an investigation of the person convicted of the crime or offense before sentence is imposed. **In all felony cases in which the recommended sentence established by the sentencing advisory commission pursuant to subsection 6 of section 558.019, RSMo, includes probation but the recommendation of the prosecuting attorney or circuit attorney does not include probation, the board of probation and parole shall, prior to sentencing, provide the judge with a report on available alternatives to incarceration.**

2. The report of the presentence investigation or preparole investigation shall contain any prior criminal record of the defendant and such information about his **or her** characteristics, his **or her** financial condition, his **or her** social history [and], the circumstances affecting his **or her** behavior as may be helpful in imposing sentence or in granting probation or in the correctional treatment of the defendant, **information concerning the impact of the crime upon the victim, the recommended sentence established by the sentencing advisory commission and available alternatives to incarceration including opportunities for restorative justice**, as well as a recommendation by the probation and parole officer. The officer shall secure such other information as may be required by the court and, whenever it is practicable and needed, such investigation shall include a physical and mental examination of the defendant."; and

Further amend said bill, Pages 25-26, Section 478.610, by striking all of said section from the bill and inserting in lieu thereof the following:

"478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three. **Beginning on January 1, 2007, there shall be four circuit judges in the thirteenth judicial circuit and these judges shall sit in divisions numbered one, two, three, and four.**

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982. **The circuit judge in division four shall be elected in 2006 for a two-year term and thereafter in 2008 for a full six-year term.**

3. The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date, there shall be one additional associate circuit judge position in Boone County than is provided pursuant to section 478.320.

513.653. 1. Law enforcement agencies involved in using the federal forfeiture system under federal law shall be required at the end of their respective fiscal year to acquire an independent audit of the federal seizures and the proceeds received therefrom and provide this audit to their respective governing body **and to the department of public safety**. A copy of such audit shall be provided to the state auditor's office. This audit shall be paid for out of the proceeds of such federal forfeitures. **The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section.**

2. Intentional or knowing failure to comply with the audit requirement contained in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars."; and

Further amend said bill, Page 39, Section 544.170, Line 12 of said page, by inserting after all of said line the following:

"556.061. In this code, unless the context requires a different definition, the following shall apply:

- (1) "Affirmative defense" has the meaning specified in section 556.056;
- (2) "Burden of injecting the issue" has the meaning specified in section 556.051;
- (3) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;
- (4) "Confinement":
 - (a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:
 - a. A court orders the person's release; or
 - b. The person is released on bail, bond, or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;
 - (b) A person is not in confinement if:
 - a. The person is on probation or parole, temporary or otherwise; or
 - b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;
- (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:
 - (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
 - (b) It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
 - (c) It is induced by force, duress or deception;
- (6) "Criminal negligence" has the meaning specified in section 562.016, RSMo;
- (7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;
- (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree [and], **assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, and** robbery in the first degree;
- (9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;
- (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;

(11) "Felony" has the meaning specified in section 556.016;

(12) "Forcible compulsion" means either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(13) "Incapacitated" means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act;

(14) "Infraction" has the meaning specified in section 556.021;

(15) "Inhabitable structure" has the meaning specified in section 569.010, RSMo;

(16) "Knowingly" has the meaning specified in section 562.016, RSMo;

(17) "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(18) "Misdemeanor" has the meaning specified in section 556.016;

(19) "Offense" means any felony, misdemeanor or infraction;

(20) "Physical injury" means physical pain, illness, or any impairment of physical condition;

(21) "Place of confinement" means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(22) "Possess" or "possessed" means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(23) "Public servant" means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) "Purposely" has the meaning specified in section 562.016, RSMo;

(25) "Recklessly" has the meaning specified in section 562.016, RSMo;

(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional

injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) "Voluntary act" has the meaning specified in section 562.011, RSMo.

557.036. 1. [Subject to the limitation provided in subsection 3 of this section,] Upon a finding of guilt upon verdict or plea, the court shall decide the extent or duration of sentence or other disposition to be imposed under all the circumstances, having regard to the nature and circumstances of the offense and the history and character of the defendant and render judgment accordingly.

2. [The court shall instruct the jury as to the range of punishment authorized by statute and upon a finding of guilt to assess and declare the punishment as a part of their verdict, unless:] **Where an offense is submitted to the jury, the trial shall proceed in two stages. At the first stage, the jury shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the jury at the first stage.**

3. If the jury at the first stage of a trial finds the defendant guilty of the submitted offense, the second stage of the trial shall proceed. The issue at the second stage of the trial shall be the punishment to be assessed and declared. Evidence supporting or mitigating punishment may be presented. Such evidence may include, within the discretion of the court, evidence concerning the impact of the crime upon the victim, the victim's family and others, the nature and circumstances of the offense, and the history and character of the defendant. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. The court shall instruct the jury as to the range of punishment authorized by statute for each submitted offense. The attorneys may argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The jury shall assess and declare the punishment as authorized by statute.

4. A second stage of the trial shall not proceed and the court, and not the jury, shall assess punishment if:

(1) The defendant requests in writing, prior to voir dire, that the court assess the punishment in case of a finding of guilt; or

(2) The state pleads and proves the defendant is a prior offender, persistent offender, dangerous offender, or persistent misdemeanor offender as defined in section 558.016, RSMo, a persistent sexual offender as defined in section 558.018, RSMo, or a predatory sexual offender as defined in section 558.018, RSMo.

If the jury [finds the defendant guilty but] cannot agree on the punishment to be assessed, the court shall proceed as provided in subsection 1 of this section. If [there be a trial by jury and the jury is to assess punishment and if], after due deliberation by the jury, the court finds the jury cannot agree on punishment, then the court may instruct the jury that if it cannot agree on punishment that [it may return its verdict without assessing punishment and] the court will assess punishment.

[3.] **5. If the jury returns a verdict of guilty in the first stage and declares a term of imprisonment [as provided in subsection 2 of this section] in the second stage, the court shall proceed as provided in subsection 1 of this section**

except that any term of imprisonment imposed cannot exceed the term declared by the jury unless the term declared by the jury is less than the authorized lowest term for the offense, in which event the court cannot impose a term of imprisonment greater than the lowest term provided for the offense.

[4.] **6.** If the defendant is found to be a prior offender, persistent offender, dangerous offender or persistent misdemeanor offender as defined in section 558.016, RSMo:

- (1) If he has been found guilty of an offense, the court shall proceed as provided in section 558.016, RSMo; or
- (2) If he has been found guilty of a class A felony, the court may impose any sentence authorized for the class A felony.

[5.] **7.** The court shall not seek an advisory verdict from the jury in cases of prior offenders, persistent offenders, dangerous offenders, persistent sexual offenders or predatory sexual offenders; if an advisory verdict is rendered, the court shall not deem it advisory, but shall consider it as mere surplusage.

558.011. 1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

- (1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;
- (2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;
- (3) For a class C felony, a term of years not to exceed seven years;
- (4) For a class D felony, a term of years not to exceed [five] **four** years;
- (5) For a class A misdemeanor, a term not to exceed one year;
- (6) For a class B misdemeanor, a term not to exceed six months;
- (7) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class C and D felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class C or D felony, it shall commit the person to the custody of the department of corrections for a term of years not less than two years and not exceeding the maximum authorized terms provided in subdivisions (3) and (4) of subsection 1 of this section.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the [defendant] **person** to the custody of the department of corrections for the term imposed under section 557.036, RSMo, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the [defendant] **person** to the county jail or other authorized penal institution for the term of his **or her** sentence or until released under procedure established elsewhere by law.

4. (1) A sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, RSMo, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036, RSMo, shall be:

- (a) One-third for terms of nine years or less;
- (b) Three years for terms between nine and fifteen years;

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the board of probation and parole pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the board of probation and parole, subject to conditions of release that the board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the state board of probation and parole. The conditions of release shall include avoidance by the offender of any other crime, federal or state, and other conditions that the board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the board of probation and parole. The director of any division of the department of corrections except the board of probation and parole may file with the board of probation and parole a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the board of probation and parole shall convene a hearing on the petition. The offender shall be present and may call witnesses in his **or her** behalf and cross-examine witnesses appearing against [him] **the offender**. The hearing shall be conducted as provided in section 217.670, RSMo. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the board and for the board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a board decision has not been reached, the offender shall be released conditionally. The decision of the board shall be final.

558.016. 1. The court may sentence a person who has pleaded guilty to or has been found guilty of an offense to a term of imprisonment as authorized by section 558.011 or to a term of imprisonment authorized by a statute governing the offense, if it finds the defendant is a prior offender or a persistent misdemeanor offender, or to an extended term of imprisonment if it finds the defendant is a persistent offender or a dangerous offender.

2. A "prior offender" is one who has pleaded guilty to or has been found guilty of one felony.

3. A "persistent offender" is one who has pleaded guilty to or has been found guilty of two or more felonies committed at different times.

4. A "dangerous offender" is one who:

(1) Is being sentenced for a felony during the commission of which he knowingly murdered or endangered or threatened the life of another person or knowingly inflicted or attempted or threatened to inflict serious physical injury on another person; and

(2) Has pleaded guilty to or has been found guilty of a class A or B felony or a dangerous felony.

5. A "persistent misdemeanor offender" is one who has pleaded guilty to or has been found guilty of two or more class A or B misdemeanors, committed at different times, which are defined as offenses under chapters 195, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, and 576, RSMo.

6. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

7. The total authorized maximum terms of imprisonment for a persistent offender or a dangerous offender are:

(1) For a class A felony, any sentence authorized for a class A felony;

(2) For a class B felony, [a term of years not to exceed thirty years] **any sentence authorized for a class A felony;**

(3) For a class C felony, [a term of years not to exceed twenty years] **any sentence authorized for a class B felony;**

(4) For a class D felony, [a term of years not to exceed ten years] **any sentence authorized for a class C felony.**

8. An offender convicted of a nonviolent class C or class D felony with no prior prison commitments, after serving one hundred twenty days of his or her sentence, may, in writing, petition the court to serve the remainder of his or her sentence on probation, parole, or other court-approved alternative sentence. No hearing shall be conducted unless the court deems it necessary. Upon the offender petitioning the court, the department of corrections shall submit a report to the sentencing court which evaluates the conduct of the offender while in custody, alternative custodial methods available to the offender, and shall recommend whether the offender be released or remain in custody. If the report issued by the department is favorable and recommends probation, parole, or other alternative sentence, the court shall follow the recommendations of the department unless the court makes the determination that such placement may be an abuse of discretion. Any placement of an offender pursuant to section 559.115, RSMo, shall be excluded from the provisions of this subsection.

558.019. 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

2. The provisions of **subsections 2 to 5** of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of a [defendant] **offender** after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any [defendant] **offender** who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the [defendant] **offender** has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the [defendant] **offender** must serve shall be forty percent of his **or her** sentence or until the [defendant] **offender** attains seventy years of age, and has served at least [forty] **thirty** percent of the sentence imposed, whichever occurs first;

(2) If the [defendant] **offender** has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the [defendant] **offender** must serve shall be fifty percent of his **or her** sentence or until the [defendant] **offender** attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the [defendant] **offender** has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the [defendant] **offender** must serve shall be eighty percent of his **or her** sentence or until the [defendant] **offender** attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any [defendant] **offender** who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the [defendant] **offender** attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the [defendant] **offender** before he **or she** is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of [eleven] **thirteen** members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. [Six] **Eight** members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; [private citizens] **four private citizens, two from urban and two from rural areas of the state**; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for [defendants] **offenders** convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor **sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence**. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

(a) The nature and severity of each offense;

(b) The record of prior offenses by the offender;

(c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and

(d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) **The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.**

(5) The commission shall publish and distribute its [system of recommended sentences] **recommendations** on or before July 1, [1995] **2004**. The commission shall study the implementation and use of the [system of recommended sentences] **recommendations** until July 1, [1998] **2005**, and return a [final] report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, [1998] **2005**, report, the commission [may] **shall** revise the recommended sentences every [three] **two** years.

[(5)] (6) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

[(6)] (7) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not

reimbursed by reason of their other paid positions.

[(7)] **(8)** The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

8. In all cases involving class C and D felony violations of chapter 195, RSMo, where the department receives custody of an offender, the department of corrections shall make a report to the board of probation and parole within one hundred twenty days after receiving custody of the offender. The report shall contain a description of the circumstances of the offense, an evaluation of the offender's need for drug or alcohol treatment, an evaluation of the offender's conduct while in custody, and available options, if any, for punishing the offender in settings other than prison. The board of probation and parole shall have the authority for the duration of the sentence imposed by the court to place the offender in any combination of treatment, incarceration, supervised release, community service, and restorative justice.

9. If the imposition or execution of a sentence is suspended, the court may consider ordering any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

- (1) Restitution to any victim for costs incurred as a result of the offender's actions;**
- (2) Offender treatment programs;**
- (3) Mandatory community service;**
- (4) Work release programs in local facilities; and**
- (5) Community based residential and nonresidential programs.**

10. The provisions of this section shall apply only to offenses occurring on or after August 28, [1994] 2003.

559.026. Except in infraction cases, when probation is granted, the court, in addition to conditions imposed [under] **pursuant to** section 559.021, may require as a condition of probation that the [defendant] **offender** submit to a period of detention **up to forty-eight hours after the determination by a probation or parole officer that the offender violated a condition of continued probation or parole** in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate, **or the board of probation and parole shall direct**. Any person placed on probation in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all provisions of section 221.170, RSMo, even though he was not convicted and sentenced to a jail or workhouse.

- (1) In misdemeanor cases, the period of detention under this section shall not exceed the shorter of fifteen days or the maximum term of imprisonment authorized for the misdemeanor by chapter 558, RSMo.**
- (2) In felony cases, the period of detention under this section shall not exceed one hundred twenty days.**
- (3) If probation is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, **half-way house, honor center**, workhouse or other institution as a detention condition of probation shall be credited against the prison or jail term served for the offense in connection with which the detention condition was imposed.**

559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the [defendant's] **offender's** conviction has been filed in appellate court and the disposition of the appeal by such court.

2. **Unless otherwise prohibited by subsection 5 of this section,** a circuit court only upon its own motion and not that of the state or the [defendant] **offender** shall have the power to grant probation to a [defendant] **offender** anytime up to one hundred twenty days after such [defendant] **offender** has been delivered to [the custody of] the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the [defendant] **offender** and such [defendant's] **offender's** behavior during the period of incarceration. Except as provided in this section, the court may place the [defendant] **offender** on probation in a program created pursuant to section 217.777, RSMo, or may place the [defendant] **offender** on probation with any other conditions authorized by law.

3. **The court may recommend placement of an offender in a department of corrections one-hundred-twenty-day-program. Upon the recommendation of the court, the department of corrections shall determine the offender's eligibility for the program, the nature, intensity, and duration of any offender's participation in a program and the availability of space for an offender in any program. When the court recommends and receives placement of an offender in a department of corrections one-hundred-twenty-day-program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a treatment program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall release the offender unless such release constitutes an abuse of discretion. If the court determined that there is an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the court does not respond when an offender successfully completes the program, the offender shall be released on probation. Upon successful completion of a shock incarceration program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the department determines that an offender is not successful in a program, then after one hundred days of incarceration the circuit court shall receive from the department of corrections a report on the offender's participation in the program and department recommendations for terms and conditions of an offender's probation. The court shall then release the offender on probation or order the offender to remain in the department to serve the sentence imposed.**

4. **If the department of correction's one-hundred-twenty-day-program is full, the court may place the offender in a private program approved by the department of corrections or the court. If the offender is convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment.**

[3.] 5. **Except when the [defendant] offender has been found to be a predatory sexual offender pursuant to section 558.018, RSMo, the court shall request that the [defendant] offender be [place] placed in the sexual offender assessment unit of the department of corrections if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony.**

[4.] 6. **Unless the offender is being granted probation pursuant to successful completion of a one-hundred-twenty-day-program** the circuit court shall notify the state in writing when the court intends to grant probation to the [defendant] **offender** pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. **An offender's first incarceration for one hundred twenty days for participation in a department of corrections program prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.**

[5.] 8. **Notwithstanding any other provision of law, probation may not be granted pursuant to this section to [defendants] offenders who have been convicted of murder in the second degree pursuant to section 565.021, RSMo;**

forcible rape pursuant to section 566.030, RSMo; forcible sodomy pursuant to section 566.060, RSMo; statutory rape in the first degree pursuant to section 566.032, RSMo; statutory sodomy in the first degree pursuant to section 566.062, RSMo; child molestation in the first degree pursuant to section 566.067, RSMo, when classified as a class B felony; abuse of a child pursuant to section 568.060, RSMo, when classified as a class A felony; a [defendant] **offender** who has been found to be a predatory sexual offender pursuant to section 558.018, RSMo; or any offense in which there exists a statutory prohibition against either probation or parole.

559.615. **1.** No judge, nor any person related within the third degree of consanguinity or affinity to a judge or any other county elected official with direct court supervision responsibilities, may have a material financial interest in any private entity which contracts to provide probation supervision or rehabilitation services pursuant to sections 559.600 to 559.615.

2. No person who provides assessment services or who makes a report, finding, or recommendation for any probationer to attend any counseling or other program as a condition or requirement of probation, may be related within the third degree of consanguinity or affinity to any person who has any financial interest, whether direct or indirect, in the counseling or other program or any financial interest, whether direct or indirect, in any private entity which provides the counseling or other program. Any person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services to or for the state board of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment, counseling, or other services to the state board of probation and parole or any office thereof."; and

Further amend said bill, Pages 40-42, Section 565.305, by striking all of said section from the bill and inserting in lieu thereof the following:

"565.305. 1. As used in this section, the following words and phrases shall mean:

(1) "Clone a human being" or "cloning a human being", the creation of a human being by any means other than by the fertilization of a naturally intact oocyte of a human female by a naturally intact sperm of a human male;

(2) "Cloned human being", a human being created by human cloning;

(3) "Public employee", any person employed by the state of Missouri or any agency or political subdivision thereof;

(4) "Public facilities", any public institution, public facility, public equipment, or any physical asset owned, leased, or controlled by the state of Missouri or any agency or political subdivision thereof;

(5) "Public funds", any funds received or controlled by the state of Missouri or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.

2. No person shall knowingly clone a human being, or participate in cloning a human being.

3. No person shall knowingly use public funds to clone a human being or attempt to clone a human being.

4. No person shall knowingly use public facilities to clone a human being or attempt to clone a human being.

5. No public employee shall knowingly allow any person to clone a human being or attempt to clone a human being while making use of public funds or public facilities.

6. Violation of subsections 2 to 5 of this section shall be a class B felony.

565.350. 1. Any pharmacist licensed pursuant to chapter 338, RSMo, commits the crime of tampering with a prescription or a prescription drug order as defined in section 338.095, RSMo, if such person knowingly:

(1) Causes the intentional adulteration of the concentration or chemical structure of a prescribed drug or drug therapy without the knowledge and consent of the prescribing practitioner;

(2) Misrepresents a misbranded, altered, or diluted prescription drug or drug therapy with the purpose of misleading the recipient or the administering person of the prescription drug or drug therapy; or

(3) Sells a misbranded, altered, or diluted prescription drug therapy with the intention of misleading the purchaser.

2. Tampering with a prescription drug order is a class A felony.

568.045. 1. A person commits the crime of endangering the welfare of a child in the first degree if:

(1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years old; or

(2) The person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) The person knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

(4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

(5) Such person, in the presence of a person less than seventeen years of age, unlawfully manufactures, compounds, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

2. Endangering the welfare of a child in the first degree is a class [D] C felony unless the offense is committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which case the crime is a class [C] B felony.

570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution pursuant to this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse;

(5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

3. Notwithstanding any other provision of law, any offense in which the value of property or services is an element is a class C felony if:

(1) The value of the property or services appropriated is five hundred dollars or more but less than twenty-five thousand dollars; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any controlled substance as defined by section 195.010, RSMo; or

(l) Anhydrous ammonia; or

(m) Ammonium nitrate.

4. If an actor appropriates any material with a value less than five hundred dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class [D] C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class [C] B felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

5. The theft of any item of property or services pursuant to subsection 3 of this section which exceeds five hundred dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal

or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any offense in which the value of property or services is an element is a class B felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

8. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

570.040. 1. Every person who has previously pled guilty or been found guilty on two separate occasions of a stealing-related offense where such offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offense and who subsequently pleads guilty or is found guilty of a stealing-related offense is guilty of a class [C] **D** felony and shall be punished accordingly.

2. As used in this section, the term "stealing-related offense" shall include federal and state violations of criminal statutes against stealing or buying or receiving stolen property and shall also include municipal ordinances against same if the defendant was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings.

3. Evidence of prior guilty pleas or findings of guilt shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior guilty pleas or findings of guilt."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 198, Page 6, Section 115.157, Line 14 of said page, by inserting immediately after said line the following:

"195.215. 1. A person commits the offense of manufacturing of a controlled substance near schools if such person violates section 195.211 by unlawfully manufacturing any controlled substance within two thousand feet of the real property comprising a public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university, or on any school bus.

2. Violation of the provisions of this section is a class A felony."; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Stoll offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 198, Page 44, Section 570.410, Line 15 of said page, by inserting immediately after said line the following:

"574.010. 1. A person commits the crime of peace disturbance if:

(1) He unreasonably and knowingly disturbs or alarms another person or persons by:

(a) Loud noise; or

(b) Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or

(c) Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or

(d) Fighting; or

(e) Creating a noxious and offensive odor; **or**

(f) Permitting the continued barking of a dog under his ownership or control;

(2) He is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:

(a) Vehicular or pedestrian traffic; or

(b) The free ingress or egress to or from a public or private place.

2. Peace disturbance is a class B misdemeanor upon the first conviction. Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one thousand dollars and no more than five thousand dollars."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted.

Senator Caskey offered **SA 1 to SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for House Bill No. 198, Page 1, Section 574.010, Line 19, by inserting after "**control**": ", **unless the dog is barking at a bird or a squirrel**".

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 1 to SA 3** was withdrawn.

At the request of Senator Stoll, **SA 3** was withdrawn.

Senator Jacob offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 198, Page 14, Section 302.060, Line 2, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, same page, same section, line 26, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, page 19, section 302.309, lines 1-2, by deleting the open bracket "[" and the close bracket "]" on said lines; and

Further amending said bill, page 22, section 302.321, lines 26-27, by deleting the open bracket "[" and the close bracket "]" on said lines; and

Further amending said bill, page 23, same section, line 7, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, page 24, section 302.541, lines 1-2, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, page 45, section 577.023, line 28, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, page 54, section 577.500, line 18, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, same page, same section, lines 22-23, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, page 55, same section, lines 1-2, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, same page, same section, lines 8-9, by deleting the open bracket "[" and the close bracket "]" on said lines.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 198, Page 16, Section 302.060, Line 4 of page 16, by inserting after all of said line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points

(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding

In violation of a state law 3 points In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving

in violation of subsection 4 of section
304.016, RSMo 4 points

**In violation of subsection 4 of section
304.016, RSMo, by a person under the age of
eighteen years of age 8 points**

In violation of a county or municipal
ordinance 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction 2 points

(b) For the second conviction 4 points

(c) For the third conviction 6 points

(6) Operating with a suspended or
revoked license prior to restoration of operating
privileges 12 points

(7) Obtaining a license by
misrepresentation 12 points

(8) For the first conviction of driving
while in an intoxicated condition or under the
influence of controlled substances
or drugs 8 points

(9) For the second or subsequent conviction
of any of the following offenses however
combined: driving while in an intoxicated
condition, driving under the influence of
controlled substances or drugs or driving with
a blood alcohol content of eight-hundredths of one
percent or more by weight 12 points

(10) For the first conviction for driving

with blood alcohol content eight-hundredths of
one percent or more by weight

In violation of state law 8 points

In violation of a county or municipal ordinance
or federal law or regulation 8 points

(11) Any felony involving the use of a
motor vehicle 12 points

(12) Knowingly permitting unlicensed
operator to operate a motor vehicle 4 points

(13) For a conviction for failure to maintain
financial responsibility pursuant to county
or municipal ordinance or pursuant to section
303.025, RSMo 4 points

**(14) Exceeding the posted speed limit by
twenty miles per hour or more by a person under the age of eighteen:**

(a) For the first conviction 8 points

**(b) For the second or subsequent
conviction 12 points**

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a

violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection." and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Bill No. 198, Page 39, Section 544.170, Line 12, by inserting immediately after said line the following:

"558.021. 1. The court shall find the defendant to be a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt that the defendant is a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender.

2. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing, except the facts required by subdivision (1) of subsection 4 of section 558.016 may be established and found at a later time, but prior to sentencing, and may be established by judicial notice of prior testimony before the jury. **The time specified under this subsection for pleading, establishing and finding the facts shall not apply to appellate reversals or remands following the defendant's conviction, but in such case the facts shall otherwise be pleaded, established and found in accordance with this section.**

3. In a trial without a jury or upon a plea of guilty, the court may defer the proof and findings of such facts to a later time, but prior to sentencing. The facts required by subdivision (1) of subsection 4 of section 558.016 may be established by judicial notice of prior testimony or the plea of guilty. **The time specified under this subsection for proof and finding of such facts shall not apply to appellate reversals or remands following the defendant's conviction, but in such case the facts shall otherwise be pleaded, established and found in accordance with this section.**

4. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

5. The defendant may waive proof of the facts alleged.

6. Nothing in this section shall prevent the use of presentence investigations or commitments under sections 557.026 and 557.031, RSMo.

7. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Bill No. 198, Page 61, Section 589.414, Line 9, by inserting after all of said line the following:

"610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within seventy-two hours after execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by

the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hot lines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product;

(18) A municipal utility receiving a public records request for information about existing or proposed security systems and structural plans of real property owned or leased by the municipal utility, the public disclosure of which would threaten public safety, shall within three business days act upon such public records request, pursuant to section 610.023. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, the public disclosure of which would threaten public safety. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2006;

(20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open except to the extent provided in this section; [and]

(21) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; **and**

(22) Operational plans, guidelines, policies, or procedures developed, adopted, or maintained by any agency or officer responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident, meaning an event which is or appears to be terrorist, criminal, or hostile in nature and which has the potential to endanger individual or public safety or health, including the safety or health of first responders. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these plans, guidelines, policies, or procedures."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Bill No. 198, Page 61, Section 589.414, Line 9 of said page, by inserting immediately after said line the following:

"610.106. [Any person as to whom imposition of sentence was suspended prior to September 28, 1981, may make a motion to the court in which the action was prosecuted after his discharge from the court's jurisdiction for closure of official records pertaining to the case. If the prosecuting authority opposes the motion, an informal hearing shall be held in which technical rules of evidence shall not apply. Having regard to the nature and circumstances of the offense and the history and character of the defendant and upon a finding that the ends of justice are so served, the court may order official records pertaining to the case to be closed, except as provided in section 610.120.] **1. In the event a person is charged with a criminal offense and subsequently enters a guilty plea or is found guilty and imposition of sentence is suspended in the case for a period of time while the person is on court-ordered probation:**

- (1) The official records of the case shall remain open until such time as the court-ordered probation is successfully completed;**
 - (2) Upon successful completion of the court-ordered probation, the records of the case shall be sealed and closed for all purposes, notwithstanding any provision of the law or court order to the contrary; and**
 - (3) Upon successful completion of the court-ordered probation, the person shall not thereafter be impeached by his or her arrest, charges, conviction or guilty plea in the case.**
- 2. Records required to be sealed and closed pursuant to this section shall be inaccessible to all persons other than the defendant, notwithstanding any provision of law to the contrary.**
- 3. Nothing in this section shall be construed, interpreted or applied to deny or abridge any person's constitutional or statutory protection against double jeopardy.**
- 4. The provisions of subsections 1, 2 and 3 of this section shall apply to all cases terminating prior to, on, or after the effective date of this section, except no case which terminated before the effective date of this section shall be re-opened because of any provision of this section.**

610.110. No person as to whom such records have become **sealed or closed** [records] **pursuant to section 610.105 or**

610.106 shall thereafter, under any provision of law, be held to be guilty of perjury or otherwise of giving a false statement by reason of his **or her** failure to recite [or], acknowledge [such arrest or trial], **admit or confess any aspect of any such arrest or any such case** in response to any inquiry made of him for any purpose[, except as provided in section 491.050, RSMo, and section 610.120]."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Bill No. 198, Page 2, Section 537.046, Line 3, by inserting after all of said line the following:

"537.800. 1. Any action seeking money damages against a person for conduct or speech undertaken or made in connection with a public issue, or a public hearing or public meeting, in a quasi-judicial proceeding before a tribunal or decision-making body of any political subdivision of the state is subject to a special motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation. The court shall grant such special motion, unless the party against whom the motion is made shows by clear and convincing evidence that:

(a) The moving party's conduct or speech was devoid of any reasonable factual support or any arguable basis in law; and

(b) The moving party's acts caused actual injury to the responding party.

Upon the filing of any special motion described in this subsection, all discovery shall be suspended pending a decision on the motion by the court and the exhaustion of all appeals regarding the special motion.

2. If a court grants a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment, the court shall award reasonable attorney fees and costs incurred by the moving party in defending the action and may award punitive damages upon a demonstration that the action was primarily commenced or continued for the purpose of harassing, intimidating, punishing, or otherwise maliciously inhibiting the free exercise of speech, petition, or association rights. If the court finds that a special motion to dismiss or motion for judgment on the pleadings or motion for summary judgment is frivolous or solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney fees to the party prevailing on the motion.

3. Any party shall have the right to an expedited appeal from a trial court order on the special motions described in subsection 2 of this section or from a trial court's failure to rule on the motion on an expedited basis.

4. The state or any local governmental entity to which the moving party's conduct or speech is made or directed or the attorney general may intervene to defend or otherwise support the moving party on any special motion.

5. As used in this section, a "public meeting in a quasi-judicial proceeding" means and includes any meeting established and held by state or local governmental entity, including without limitations, meetings or presentations before state, county, city, town or village councils, planning commissions, review boards or commissions.

6. Nothing in this section limits or prohibits the exercise of a right or remedy of a party granted pursuant to another constitutional, statutory, common law or administrative provision, including civil actions for defamation.

7. If any provision of this section or the application of any provision of this section to a person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.";
and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered SA 10:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Bill No. 198, Page 26, Section 478.610, Line 2, by inserting immediately after said line the following:

"479.051. 1. Any city, county or township may provide by ordinance an administrative adjudication system for adjudicating parking and other non-moving municipal code violations to the extent permitted by court rules. The adoption by a city, county, or township of an administrative adjudication system does not preclude the city, county, or township from using other methods to enforce ordinances. This statute shall not affect the validity of other administrative adjudication systems authorized by state law and created prior to the effective date of this statute.

2. An ordinance establishing an administrative adjudication system shall provide for an administrative adjudication unit or alternative, which could include the municipal division of a circuit court, define the jurisdiction and role of that unit and describe the means by which the municipality shall provide suitable facilities and operating resources for operating the administrative adjudication system. The ordinance shall designate the types of municipal code violations deemed appropriate for administrative adjudication consistent with applicable state law. The administrative adjudication unit shall operate under the supervision of the circuit court.

3. The administrative adjudication unit, as provided in this section, shall establish and maintain a system for adjudicating parking violations and any other municipal code violations designated for administrative adjudication by ordinance. The administrative adjudication system shall include operating policies and procedures, including but not limited to, appeal criteria, documentation requirements, notification deadlines, and forms, subject to the approval of the circuit court. The administrative adjudication system shall afford parties due process of law.

4. The adjudication process may involve a one-step administrative hearing or a two-step administrative review and administrative hearing. If the city, county, or township adopts a one-step process, individuals must apply for an administrative hearing to contest a municipal code violation. If the city, county, or township adopts a two-step process, individuals must first apply for an administrative review to contest a municipal code violation and then, if dissatisfied with the results of the administrative review, may apply for an administrative hearing. Any failure to request an administrative review or hearing in accordance with the rules established by the administrative adjudication unit, as provided in this section, shall be considered an admission of liability.

5. The administrative reviews and hearings authorized pursuant to this section shall be designed to ensure a fair and impartial consideration of the contested code violation. The formal and technical rules of evidence shall not apply in any administrative review or hearing authorized pursuant to this section. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The officer or person who issued the notice of municipal code violation shall not be required to participate in an administrative review or hearing. The agency that issued the municipal code violation need not produce any evidence other than the notice of municipal code violation or copy thereof and information received from an appropriate state or local agency identifying the property owner of record. Such

documentation in proper form shall be prima facie evidence of the municipal code violation.

6. An administrative review shall entail an informal review process through which the individual may contest a municipal code violation by mail, in person or other means approved by the administrative adjudication unit, as provided in subsection 2 of this section. The individual's right to an administrative review shall expire if the city does not receive a documented challenge to the municipal code violation within seven calendar days of issuing the original violation or the time period prescribed by local ordinance, whichever is later. In a city, county, or township adopting the two-step administrative adjudication process, individuals who fail to exercise their right to an administrative review in accordance with the prescribed rules shall also lose their right to an administrative hearing. The administrative adjudication unit, as provided in subsection 2 of this section, shall appoint or contract with qualified individuals to conduct administrative reviews.

7. An administrative hearing shall entail a formal hearing through which the individual may contest a municipal code violation or, for a city, county, or township with a two-step appeal process, an administrative review finding in person before an administrative hearing officer. Administrative hearings shall be scheduled with reasonable promptness and any notice of an administrative hearing shall include the code violation type and nature, the administrative hearing date and location, the legal authority and jurisdiction of the administrative adjudication unit, as provided in this section, and the penalties for failing to appear at the hearing. The individual's right to an administrative hearing shall expire if the city does not receive a written challenge to the administrative review results within seven calendar days of notifying the individual of the results of the administrative review or, if the municipality has a one-step appeal process, fourteen calendar days of issuing the original violation.

8. The administrative adjudication unit, as provided in this section, shall appoint or contract with qualified administrative hearing officers to preside over administrative hearings. As impartial and independent fact finders, administrative hearing officers may:

- (1) Hear testimony and review relevant evidence;
- (2) Issue subpoenas directing witnesses to appear and give relevant testimony;
- (3) Preserve and authenticate hearing records and evidence;
- (4) Issue written findings of fact and conclusions of law, including the fine, penalty, or action with which the parties must comply; and
- (5) Impose penalties and assess costs consistent with applicable law.

An administrative hearing officer shall be an attorney licensed to practice law in the state of Missouri for at least three years and possess sufficient competence to adjudicate municipal code violations, including, but not limited to, experience in administrative law, familiarity with the rules of procedure for administrative hearings, and a working knowledge of each subject area of the municipal code violations that they will adjudicate. An administrative hearing officer's employment and compensation shall not, directly or indirectly, be linked to the amount of fines. The municipality may establish additional policies and procedures for ensuring that administrative hearing officers demonstrate the objectivity and qualifications necessary to conduct fair, impartial, and expeditious hearings.

9. An administrative adjudication unit may not impose a penalty of incarceration or a fine in excess of the amount allowed by state or local law. Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures pursuant to chapter 536, RSMo, are a debt due and owing the municipality and may be collected in accordance with applicable law. Any fine, sanction, costs, or other charges assessed by the administrative adjudication unit shall be deposited into the municipal treasury in accordance with applicable state and local laws and rules for that particular municipality.

10. Any final decision by an administrative adjudication unit, as provided in this section, that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review pursuant to chapter 536, RSMo.

11. After expiration of the period in which judicial review pursuant to chapter 536, RSMo, may be sought for a final determination of a municipal code violation, unless stayed by a court of competent jurisdiction, the findings of fact and conclusions of law of the administrative hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. If a defendant fails to comply with an order of the administrative hearing officer, any expenses incurred by the municipality to enforce the order, including, but not limited to, attorney, court, administrative, vehicle storage, and property demolition or foreclosure costs, after they are fixed by an administrative hearing officer or a court of competent jurisdiction, shall be a debt due the municipality and may be collected in accordance with applicable law. Upon being recorded in the manner required by state law or the uniform commercial code, a lien may be imposed on the real or personal property, or both, of the defendant in the amount of any debt due the municipality pursuant to this section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for House Bill No. 198, page 16, Section 302.060, Line 4 of said page, by inserting immediately after said line the following:

"302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. **The revocation period of any person whose license and driving privilege have been revoked a second time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after three years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a third time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after five years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a fourth time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after seven years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a fifth or subsequent time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after ten years from the effective date of the revocation.** If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. [Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14.] No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

[15.] **14.** The fees for the program authorized in subsection [14] **13** of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo."; and

Further amend said bill, page 24, Section 302.541, line 19 of said page, by inserting immediately after said line the following:

"303.173. 1. The license and driving privilege of any person whose license and driving privilege have been revoked for the first time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits for liability coverage:

- (1) Not less than fifty thousand dollars because of bodily injury to or death of one person in any one accident;**
- (2) Subject to said limit for one person, not less than one hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and**

(3) Not less than twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

2. The license and driving privilege of any person whose license and driving privilege have been revoked a second time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

(1) Not less than seventy-five thousand dollars because of bodily injury to or death of one person in any one accident;

(2) Subject to said limit for one person, not less than one hundred fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident; and

(3) Not less than fifty thousand dollars because of injury to or destruction of property of others in any one accident.

3. The license and driving privilege of any person whose license and driving privilege have been revoked a third time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

(1) Not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident;

(2) Subject to said limit for one person, not less than two hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and

(3) Not less than seventy-five thousand dollars because of injury to or destruction of property of others in any one accident.

4. The license and driving privilege of any person whose license and driving privilege have been revoked a fourth or subsequent time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

(1) Not less than two hundred fifty thousand dollars because of bodily injury to or death of one person in any one accident;

(2) Subject to said limit for one person, not less than five hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and

(3) Not less than one hundred thousand dollars because of injury to or destruction of property of others in any one accident.

5. If any person required by this section to file proof of financial responsibility demonstrating that such person has obtained an automobile liability insurance policy subject to certain minimum amounts of coverage, thereafter fails to maintain proof of the required coverage during any period of time such person owns, in whole or in part, any motor vehicle, the person's license and driving privilege shall be rerevoked."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for House Bill No. 198, Page 3, Section 43.650, Line 10 of said page, by inserting after all of said line the following:

"67.657. 1. Nothing contained in sections 67.650 to 67.658 shall impair the powers of any county, municipality or other political subdivision to acquire, own, operate, develop or improve any facility of the type the authority is given the right and power to own, operate, develop or improve.

2. Any county, municipality or other political subdivision or public agency is authorized to make gifts, donations, grants and contributions of money or real or personal property to the authority, whether such money or property is derived from tax revenues or from any other source.

3. The state of Missouri or any agency, department or instrumentality thereof and the county, the city, or any political subdivision, public agency or public body, or any combination thereof pursuant to sections 70.210 to 70.325, RSMo, or otherwise, are authorized to enter into contracts, agreements, leases and subleases with each other, the authority and others to acquire, sell, convey, lease, sublease, own, operate, finance, develop or improve, or any combination thereof, any facility of the type the authority is given the right to construct, own, operate, develop or improve, including without limitation to agree to pay rents or other fees or charges, subject to annual appropriations, and to mortgage, pledge, assign, convey, or grant security in any interest which any such entity may have in such facility.

4. In addition to any other tax imposed by law, and notwithstanding the provisions of subdivision (2) of subsection 5 of section 67.619, to the contrary, the governing body of the county may submit to the voters of the county a tax not to exceed three and one-half percent on the amount of sales or charges for all sleeping rooms paid by the transient guests of hotels and motels situated within the county involved, and doing business within such county for the purpose of funding a regional convention and sports complex authority and for other recreational and entertainment purposes. If the governing body so orders, the election officials of the county shall submit a proposition to the voters of such county at the next statewide or countywide election or at a special election called for that purpose, such special election to be held at the expense of the regional convention and sports complex authority. Such proposition shall be submitted to the voters in substantially the following form at such election:

Shall a sales tax of percent on the amount of sales or charges for all rooms paid by the transient guests of hotels and motels be levied in the county of to provide certain funds for the regional convention and sports complex authority and for general revenue purposes?

☐ YES ☐ NO

In the event that a majority of the voters voting on such proposition in such county at such election approve such proposition, then such sales tax shall be in full force and effect as of the first day of the calendar quarter following the calendar quarter in which the election was held.

5. On and after the effective day of any tax authorized under the provisions of subsection 4 of this section, the governing body of the county may adopt one of the two following provisions for the collection and administration of the tax:

(1) The collector of revenue in such county may collect the tax pursuant to rules and regulations promulgated by the governing body of the county. The tax to be collected by the collector of revenue, less an amount not less than one percent and not more than three percent which may be retained for costs of collection, shall be remitted to the county

and deposited in a special trust fund to be known as the "County Convention and Recreation Trust Fund" not later than thirty days following the end of each month;

(2) The governing body of the county may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in subsection 4 of this section. In the event the governing body enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in subsection 4 of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect such additional tax. The tax shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain not less than one percent nor more than three percent for cost of collection and shall transfer all other moneys collected for such tax to the county for deposit in the county convention and recreation trust fund.

6. All funds deposited in the county convention and recreation trust fund shall, subject to annual appropriation, be disbursed by the county only for deposit in the regional convention and sports complex fund to pay the county's share of any rent, fees or charges payable pursuant to any contract, agreement, lease or sublease provided for in subsection 3 of this section; provided that in the event the county chooses to participate in a qualifying project and enters into any such contract, agreement, lease or sublease, then any funds in excess of its obligations hereunder which are deposited in the county convention and recreation trust fund in any year pursuant to subsection 4 of this section may be appropriated and disbursed by the county for general revenue purposes.

7. Notwithstanding any provision of subsection 6 of this section to the contrary, funds deposited in the county convention and recreation trust fund pursuant to subsection 5 of this section in excess of amounts payable as the county's share of any rent, fees or charges payable pursuant to any contract, agreement, lease or sublease provided for in subsection 3 of this section, including reasonable reserves for future payments of such amounts, shall not be appropriated or paid except for funding of the regional convention and sports complex authority or for regional convention and tourism purposes to the regional convention and visitors commission established by section 67.601 if it is providing management and operations services for a facility of the regional convention and sports complex authority of which the state of Missouri, the city, and St. Louis County are lessees pursuant to a contract, agreement or sublease with such lessees.

8. In addition to any other tax imposed by law, and notwithstanding the provisions of subdivision (1) of subsection 5 of section 67.619 to the contrary, the governing body of the city may repeal a present two-dollar license fee per occupied room levied in such city on hotels and motels and submit to the voters of the city a tax not to exceed three and one-half percent on the amount of sales or charges for all sleeping rooms paid by the transient guests of hotels and motels situated within the city involved, and doing business within such city for the purposes of funding debt service, lease payments or other expenses of an existing convention center, including any southern expansion thereof, of such city, a regional convention and sports complex authority or a regional convention and visitors commission or any combination thereof as herein provided. If the governing body so orders, the election officials of the city shall submit a proposition to the voters of such city at the next statewide or citywide election or at a special election called for that purpose, such special election to be held at the expense of the city. Such proposition shall be submitted to the voters in substantially the following form at such election:

Shall the present two-dollar license fee per occupied room levied in the city of on hotels and motels be repealed and a sales tax of percent on the amount of sales or charges for all rooms paid by the transient guests of hotels and motels be levied in the city of to provide funds for convention, tourism and sports facilities purposes and agencies?

[] YES [] NO

In the event that a majority of the voters voting on such proposition in such city at such election approve such proposition, then such two-dollar license fee per occupied room shall be repealed and such sales tax shall be in full force and effect as of the first day of the calendar quarter following the calendar quarter in which the election was held.

9. On and after the effective date of any tax authorized under the provisions of subsection 8 of this section, the governing body of the city may adopt one of the two following provisions for the collection and administration of the tax:

(1) The collector of revenue in such city may collect the tax pursuant to rules and regulations promulgated by the governing body of the city. The tax to be collected by the collector of revenue, less an amount not less than one percent and not more than three percent which may be retained for costs of collection, shall be remitted to the city and deposited in a special trust fund to be known as the "City Convention and Sports Facility Trust Fund" not later than thirty days following the end of each month;

(2) The governing body of the city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in subsection 8 of this section. In the event the governing body enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in subsection 8 of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement and operation of such tax, and the director of revenue shall collect such additional tax. The tax shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain not less than one percent nor more than three percent for cost of collection and shall transfer all other moneys collected for such tax to the city for deposit in the convention and sports facility trust fund.

10. A civil fine, which shall not exceed five thousand dollars, shall be enforceable in the circuit court where the violation occurred may be assessed against any person who intentionally enters a restricted area in use as a playing surface during a professional sporting event without the consent of the owner or manager of the facility.

11. All funds deposited in the city convention and sports facility trust fund shall, subject to annual appropriation, be disbursed by the city only for first, debt service, lease payments or other expenses related to an existing convention center, including any southern expansion thereof, of such city, second, to pay the city's share of any rent, fees or charges payable pursuant to any lease provided for in subsection 3 of this section and third, the remainder, if any, annually to the regional convention and visitors commission established by section 67.601 if it is providing management and operations services for a facility of the regional convention and sports complex authority of which the state of Missouri, the city, and St. Louis County are lessees pursuant to a contract, agreement or sublease with such lessees.

90.760. **1.** The duties of the authority created in section 90.750 shall include, but are not limited to, the study and review of all current major sports leagues, clubs or franchises operating in Kansas City and the analysis of possibilities for future growth and expansion of existing and new major sports leagues, clubs or franchises in that and surrounding areas.

2. Unless and until otherwise provided, the authority shall make an annual report by December first of every year, to the governor, the president pro tem of the senate and the speaker of the house of representatives, and the director of the department of economic development. Such report shall set forth in detail the authority's findings and recommendations.

3. A civil fine, which shall not exceed five thousand dollars, shall be enforceable in the circuit court where the violation occurred may be assessed against any person who intentionally enters a restricted area in use as a playing surface during a professional sporting event without the consent of the owner or manager of the facility."; and

Further amend said bill, page 42, Section 565.305, line 7 of said page, by inserting immediately after said line the following:

"569.135. A person commits the crime of interference of a sporting event, if during a professional sporting event, a person enters a restricted area in use as a playing surface without the consent of the owner or manager of the facility. Violation of the section is a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for House Bill No. 198, Page 39, Section 544.170, Line 12, by inserting after all of said line the following:

"565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his [sixteenth] **eighteenth** birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted.

Senator Gibbons offered **SA 1** to **SA 13**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 13

Amend Senate Amendment No. 13 to Senate Substitute for House Bill No. 198, Page 1, Section 565.020, Line 14 of said amendment by deleting "**eighteenth**" and inserting the word "**seventeenth**".

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

SA 13, as amended, was again taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for House Bill No. 198, Page 61, Section 1, Line 13, by inserting after all of said line the following:

"**Section 2. If any provision of this act or the application thereof to anyone or to any circumstances is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby.**"; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for House Bill No. 198, Page 25, Section 416.680, Line 15, by inserting after all of said line the following:

"430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381, or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries caused by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.

[430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries caused by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.]; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for House Bill No. 198, Page 6, Section 115.157, Line 14, by inserting after all of said line the following:

"196.1010. As used in sections 196.1010 to 196.1025, the following terms shall mean:

(1) "Brand family", all styles of cigarettes sold under same trade mark and differentiated from one another by means of additional modifiers or descriptors, including but not limited to, "menthol", "lights", "kings", and "100s", and includes any brand name (alone or in conjunction with any other word) trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of cigarettes;

- (2) "Cigarette", the same meaning as such term is defined in section 196.1000;**
- (3) "Director", the director of the Missouri department of revenue;**
- (4) "Escrow-electing manufacturer", any tobacco product manufacturer that is not a participating manufacturer;**
- (5) "Participating manufacturer", the same meaning as such term is given in Section II(jj) of the Master Settlement Agreement, as defined in section 196.1000, and all amendments thereto;**
- (6) "Qualified escrow fund", the same meaning as such term is defined in section 196.1000;**
- (7) "Stamping agent", a person that is authorized to affix tax stamps to packages or other containers or cigarettes under chapter 149, RSMo, or any person that is required to pay the tax imposed pursuant to chapter 149, RSMo, on other tobacco products;**
- (8) "Tobacco product manufacturer", an entity that after the date of enactment of this act directly, and not exclusively through any affiliate:**
 - (a) Manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer, except where such importer is an original participating manufacturer as that term is defined in the Master Settlement agreement, that will be responsible for the payments under the Master Settlement agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement agreement and that pays the taxes specified in subsection II(z) of the Master Settlement agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States;**
 - (b) Is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or**
 - (c) Becomes a successor of an entity described in subdivisions (1) or (2) of this section.**
- (9) "Units sold", the same meaning as such term is defined in section 196.1000.**

196.1013. 1. Every tobacco product manufacturer whose cigarettes are sold in this state, whether directly or through a distributor, retailer or similar intermediary or intermediaries, shall execute and deliver on a form or in the manner prescribed by the attorney general a certification to the director and the attorney general no later than the thirtieth day of April each year, certifying that, as of the date of such certification, such tobacco product manufacturer is a participating manufacturer or is in full compliance with sections 196.1000 and 196.1003, including all installment payments required by section 196.1019.

- (1) A participating manufacturer shall include in its certification a list of its brand families. The participating manufacturer shall update such list thirty days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the attorney general.**
- (2) A escrow-electing manufacturer shall include in its certification:**
 - (a) A list of all of its brand families and the number of units sold for each brand family that were sold in the state during the preceding calendar year;**
 - (b) A list of all of its brand families that have been sold in the state at any time during the current calendar year;**
 - (c) Indicating by an asterisk, any brand family sold in the state during the preceding calendar year that is no longer being sold in the state as of the date of such certification; and**

(d) Identifying by name and address any other manufacturer of such brand families in the preceding or current calendar year.

The escrow-electing manufacturer shall update such list thirty days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the attorney general.

(3) In the case of a escrow-electing manufacturer, such certification shall further certify:

(a) That such escrow-electing manufacturer is registered to do business in the state or has appointed an agent for service of process and provided notice thereof as required in section 196.1016;

(b) That such escrow-electing manufacturer has (i) established and continues to maintain a qualified escrow fund, as defined in section 196.1000, and (ii) executed a qualified escrow agreement that has been reviewed and approved by the attorney general and that governs the qualified escrow fund;

(c) That such escrow-electing manufacturer is in full compliance with this section and section 196.1003, and any regulations promulgated pursuant thereto;

(d) (i) The name, address, and telephone number of the financial institution where the escrow-electing manufacturer has established such qualified escrow fund required by section 196.1003 and all regulations promulgated thereto, and (ii) the account number of such qualified escrow fund and any subaccount number for the state of Missouri, and (iii) the amount such escrow-electing manufacturer placed in such fund for cigarettes sold in the state during the preceding calendar year, the date, and amount of each such deposit, and such evidence or verification as may be deemed necessary by the attorney general to confirm the foregoing, and (iv) the amount and date of any withdrawal or transfer of funds the escrow-electing manufacturer made at any time from such fund or from any other qualified escrow fund into which it ever made escrow payments pursuant to section 196.1003 and all regulations promulgated thereto.

(4) A tobacco product manufacturer may not include a brand family in its certification unless (i) in the case of a participating manufacturer, said participating manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of calculating its payments under the Master Settlement Agreement, as defined in section 196.1000, for the relevant year, in the volume and shares determined pursuant to the Master Settlement Agreement, and (ii) in the case of a escrow-electing manufacturer, said escrow-electing manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of section 196.1003. Nothing in this section shall be construed as limiting or otherwise affecting the state's right to maintain that a brand family constitutes cigarettes of a different tobacco product manufacturer for purposes of calculating payments under the Master Settlement Agreement or for purposes of section 196.1003.

(5) The tobacco product manufacturer shall maintain all invoices and documentation of sales and other such information relied upon for such certification for a period of five years, unless otherwise required by law to maintain them for a greater period of time.

2. Not later than January 1, 2004, the attorney general shall develop and make available for public inspection or publish on its website a directory listing of all tobacco product manufacturers that have provided current and accurate certifications conforming to the requirements of subsection 1 of this section and all brand families that are listed in such certifications, except as noted below.

(1) The attorney general shall not include or retain in such directory the name or brand families of any escrow-electing manufacturer that fails to provide the required certification or whose certification the attorney general determines is not in compliance with subdivisions (2) and (3) of subsection 1 of this section, unless the attorney general has determined that such violation has been cured to the satisfaction of the attorney general.

(2) Neither a tobacco product manufacturer nor brand family shall be included or retained in the directory if the attorney general concludes in the case of a escrow-electing manufacturer that (i) any escrow payment required pursuant to section 196.1003 for any period for any brand family, whether or not listed by such

escrow-electing manufacturer, have not been fully paid into a qualified escrow fund governed by a qualified escrow agreement that has been approved by the attorney general, or (ii) any outstanding final judgment, including interest thereon, for violations of section 196.1003 have not been fully satisfied for such brand family and such manufacturer.

(3) The attorney general shall update the directory as necessary in order to correct mistakes and to add or remove a tobacco product manufacturer or brand family to keep the directory in conformity with the requirements of sections 196.1010 to 196.1025. The attorney general shall transmit by electronic mail or other practical means to each stamping agent, and to each retailer who supplies an electronic mail address for that purpose, notice of any addition to or removal from the directory of any tobacco product manufacturer or brand family. Unless otherwise provided by an agreement between a stamping agent and a tobacco product manufacturer, the stamping agent shall be entitled to a refund from a tobacco product manufacturer for any money paid by the stamping agent to the tobacco product manufacturer for any cigarettes of the tobacco product manufacturer in the possession of the stamping agent on the date of notice by the attorney general of the removal from the directory of that tobacco product manufacturer or the brand family of the cigarettes. Unless otherwise provided by agreement between a retail dealer and a stamping agent or a tobacco product manufacturer, a retail dealer shall be entitled to a refund from a stamping agent or a tobacco product manufacturer for any money paid by the retail dealer to such stamping agent or tobacco product manufacturer for any cigarettes of the tobacco product manufacturer still in the possession of the retail dealer on the effective date of removal from the directory of that tobacco product manufacturer or brand family of cigarettes. The attorney general shall not restore to the directory the tobacco product manufacturer or the brand family until the tobacco product manufacturer has paid each stamping agent or retail dealer any refund due.

(4) Every stamping agent shall provide and update as necessary an electronic mail address to the attorney general for the purpose of receiving any notifications as may be required by sections 196.1010 to 196.1025.

(5) The attorney general shall electronically transmit to each stamping agent notice of any addition to or removal from the directory of any tobacco product manufacturer or brand family.

3. It shall be unlawful for any person to affix a stamp to a package or other container of cigarettes of a tobacco product manufacturer or brand family not included in the directory, or to sell, offer or possess for sale in this state cigarettes of a tobacco product manufacturer or brand family not included in the directory.

196.1016. 1. Any nonresident or foreign escrow-electing manufacturer that has not registered to do business in this state as a foreign corporation or business entity shall, as a condition precedent to having its brand families listed or retained in the directory, appoint and continually engage without interruption the services of an agent in this state to act as agent for the service of process on whom all process, and any action or proceeding against it concerning or arising out of the enforcement of sections 196.1003 and 196.1010 to 196.1025, may be served in any manner authorized by law. Such service shall constitute legal and valid service of process on the escrow-electing manufacturer. The escrow-electing manufacturer shall provide the name, address, phone number, and proof of the appointment and availability of such agent to and to the satisfaction of the attorney general.

2. The escrow-electing manufacturer shall provide notice to the attorney general thirty calendar days prior to termination of the authority of an agent and shall further provide proof to the satisfaction of the attorney general of the appointment of a new agent no less than five calendar days prior to the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the escrow-electing manufacturer shall notify the attorney general of said termination within five calendar days and shall include proof to the satisfaction of the attorney general of the appointment of a new agent.

196.1019. 1. Not later than twenty days after the end of each calendar quarter, and more frequently if so directed by the attorney general, each stamping agent shall submit such information as the attorney general requires to facilitate compliance with this section, including but not limited to a list by brand family of the total number of cigarettes or in the case of roll your own, the equivalent stick count for which the stamping agent affixed stamps during the previous calendar quarter or otherwise paid the tax due for such cigarettes. The

stamping agent shall maintain, and make available to the attorney general all invoices and documentation of sales of all escrow-electing manufacturer cigarettes and any other information relied upon in reporting to the attorney general for a period of five years.

2. The director of the department of revenue is authorized to disclose to the attorney general any information received under sections 196.1010 to 196.1025 and requested by the attorney general for purposes of determining compliance with and enforcing the provisions of sections 196.1010 to 196.1025. The director and attorney general shall share with each other the information received under sections 196.1010 to 196.1025, and may share such information with other federal, state, or local agencies only for purposes of enforcement of sections 196.1010 to 196.1025, or corresponding laws of other states.

3. The attorney general may require at any time from the escrow-electing manufacturer proof from the financial institution in which such manufacturer has established a qualified escrow fund for the purpose of compliance with section 196.1003 of the amount of money in such fund, exclusive of interest, and the amount and date of each deposit to such fund, and the amount and date of each withdrawal from such fund.

4. In addition to any other information required to be submitted by law, the attorney general may require a stamping agent or tobacco product manufacturer to submit any additional information, including but not limited to, samples of the packaging or labeling of each brand family, as is necessary to enable the attorney general to determine whether a tobacco product manufacturer is in compliance with sections 196.1010 to 196.1025.

5. To promote compliance with the provisions of sections 196.1010 to 196.1025, the attorney general may promulgate rules requiring a tobacco product manufacturer subject to the requirements of subdivision (2) of subsection 1 of section 196.1013 to make escrow deposits required in installments during the year in which the sales covered by such deposits are made. The attorney general may require production of information sufficient to enable the attorney general to determine the adequacy of the amount of the installment deposit. The attorney general may require installment payments where the attorney general reasonably concludes that an escrow-electing manufacturer may not fully and timely comply with section 196.1000 and where an escrow-electing manufacturer has not made an escrow deposit pursuant to section 196.1000 during the preceding calendar year.

196.1022. 1. In addition to or in lieu of any other civil or criminal remedy provided by law, upon a determination that a stamping agent or any person has violated subsection 3 of section 196.1013 or any regulation adopted pursuant thereto, the director may revoke or suspend the license of any stamping agent in the manner provided in chapter 149, RSMo. Each stamp affixed and each sale or offer to sell cigarettes in violation of subsection 3 of section 196.1013 shall constitute a separate violation. The director may also impose a civil penalty in an amount not to exceed the greater of five hundred percent of the retail value of the cigarettes sold or five thousand dollars upon a determination of a violation of subsection 3 of section 196.1013 or any regulations adopted pursuant thereto.

2. Any cigarettes that have been sold, offered for sale, or possessed for sale in this state in violation of subsection 3 of section 196.1013 shall be deemed contraband and such cigarettes shall be subject to seizure and forfeiture as provided by law, and all such cigarettes so seized and forfeited shall be destroyed and not resold.

3. The attorney general, on behalf of the director, may seek an injunction to restrain a threatened or actual violation of subsection 3 of section 196.1013, or subsection 1 or 5 of section 196.1019, by a stamping agent and to compel the stamping agent to comply with such provisions. In any action brought pursuant to this section, the state shall be entitled to recover the costs of investigation, costs of the action and reasonable attorney fees.

4. It shall be unlawful for a person to sell or distribute cigarettes, or acquire, hold, own, possess, transport, import, or cause to be imported cigarettes that the person knows or should know are intended for distribution or sale in the state in violation of subsection 3 of section 196.1013. A violation of this section is a class A misdemeanor.

5. A person who violates subsection 3 of section 196.1013 engages in an unfair practice in violation of section

407.020, RSMo.

196.1025. 1. A determination of the attorney general not to list or to remove from the directory a brand family or tobacco product manufacturer shall be subject to review pursuant to chapter 621, RSMo.

2. For the year 2003, if the effective date of sections 196.1010 to 196.1025 is later than March 16, 2003, the first report of stamping agents required by subsection 1 of section 196.1019 shall be due thirty days after the effective date of sections 196.1010 to 196.1025; the certifications by the tobacco product manufacturer described in subsection 1 of section 196.1013 shall be due forty-five days after such effective date; and the directory described in subsection 2 of section 196.1013 shall be published or made available within ninety days after such effective date.

3. The attorney general may promulgate rules necessary to effect the purpose of sections 196.1010 to 196.1025.

4. In any action brought by the state to enforce sections 196.1010 to 196.1025, the state shall be entitled to recover the costs of investigation, expert witness fees, costs of the action, and reasonable attorney fees.

5. If a court of competent jurisdiction determines that a person has violated sections 196.1010 to 196.1025, the court shall order any profits, gains, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the "Tobacco Control Special Fund", which is hereby created. Unless otherwise expressly provided the remedies or penalties provided by sections 196.1010 to 196.1025 are cumulative to each other and to the remedies or penalties available under all other laws of this state."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SA 16** is out of order, as it is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Stoll offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for House Bill No. 198, Page 61, Section 1, Line 13, by inserting after all of said line the following:

"Section 2. Any county in this state may enact an ordinance, rule or regulation that makes it a peace disturbance to permit the continued barking of a dog under a person's ownership or control. The violation of such ordinance, rule or regulation shall subject the person to a fine of no more than \$500 dollars and the payment of any applicable court costs."; and further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion failed.

Senator Dougherty offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for House Bill No. 198, Page 2, Section 32.056, Line 15, by inserting after all of said line the following:

"43.500. As used in sections 43.500 to [43.530] 43.543, the following terms mean:

(1) "Administration of criminal justice", the performance of any of the following activities: Detection,

apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history information, including fingerprint searches, photographs, and other indicia of identification;

[(1)] (2) "Central repository", the Missouri state highway patrol criminal records **and identification** division for compiling and disseminating complete and accurate criminal history records **and for compiling, maintaining, and disseminating criminal incident and arrest reports and statistics;**

[(2)] (3) "Committee", criminal records **and justice information** advisory committee;

[(3)] (4) "Criminal history record information", information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release;

[(4)] (5) "Final disposition", the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system;

(6) "Missouri charge code", a unique number assigned by the office of state courts administrator to an offense for tracking and grouping offenses. Beginning January 1, 2005, the complete charge code shall consist of the digits assigned by the office of state courts administrator, the two digit national crime information center modifiers, and a single digit designating attempt, accessory, or conspiracy. The only exception to the January 1, 2005, date shall be the courts that are not using the statewide court automation case management pursuant to section 476.055, RSMo; the effective date will be as soon thereafter as economically feasible for all other courts;

[(5)] (7) "State offense cycle number", a [preprinted] **unique number, supplied by or approved by the Missouri state highway patrol**, on the state **criminal** fingerprint card [which]. **The offense cycle number** is used to [identify each arrest which may include multiple offenses for which a person is fingerprinted. This number] **link the identity of a person, through fingerprints, to one or many offenses for which the person is arrested or charged. The offense cycle number** will be [associated with] **used to track** an offense incident from the date of arrest to the [date] **final disposition when** the offender exits from the criminal justice system[;

(6) "Without undue delay", as soon as possible but not later than thirty days after the criminal history event;

(7) "Administration of criminal justice", performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information, including fingerprint searches, photographs, and other indicia of identification].

43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to [43.530] **43.543.**

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, charges, **appropriate charge codes**, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied **or approved** by the highway patrol **or electronically in a format and manner approved by the highway patrol.** All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, charges, **appropriate charge codes**, and descriptions to the central repository upon its behalf.

3. In instances where an individual less than seventeen years of age **and not currently certified as an adult** is taken

into custody for an offense which would be [considered] a felony if committed by an adult, the arresting officer shall take [one set of] fingerprints for the central repository [and may take another set for inclusion in a local or regional automated fingerprint identification system]. These fingerprints shall be taken on fingerprint cards [which are plainly marked "juvenile card" and shall be provided by the central repository] **supplied by or approved by the highway patrol or transmitted electronically in a format and manner approved by the highway patrol**. The fingerprint cards shall be so constructed that [only the fingerprints, unique identifying number, and the court of jurisdiction are] **the name of the juvenile should not be** made available to the central [or local] repository. [The remainder of the card which bears] The individual's [identification] **name** and the [duplicate] unique number **associated with the fingerprints and other pertinent information** shall be provided to the court of jurisdiction **by the agency taking the juvenile into custody**. The [appropriate portion of the juvenile fingerprint card] **juvenile's fingerprints and other information** shall be forwarded to the central repository and the courts without undue delay. The fingerprint information from the card shall be captured and stored in the automated fingerprint identification system operated by the central repository. [The juvenile fingerprint card shall be stored in a secure location, separate from all other fingerprint cards.] In the event the fingerprints [from this card] are found to match **other tenprints or unsolved** latent prints [searched in the automated fingerprint identification system], **the central repository shall notify the submitting agency who shall notify** the court of jurisdiction [shall be so advised] **as per local agreement**.

4. Upon certification of the individual as an adult, the court shall order a law enforcement agency to immediately fingerprint the individual. The law enforcement agency shall submit such fingerprints to the central repository within fifteen days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the clerk of the court ordering the subject fingerprinted. If the juvenile is acquitted of the crime and is no longer certified as an adult, the prosecuting attorney shall notify within fifteen days the central repository of the change of status of the juvenile. Records of a child who has been fingerprinted and photographed after being taken into custody shall be closed records as provided pursuant to section 610.100, RSMo, if a petition has not been filed within thirty days of the date that the child was taken into custody; and if a petition for the child has not been filed within one year of the date the child was taken into custody, any records relating to the child concerning the alleged offense may be expunged under the procedures in sections 610.122 to 610.126, RSMo.

[3.] **5.** The prosecuting attorney of each county or the circuit attorney of a city not within a county shall notify the central repository on standard forms supplied by the highway patrol **or in a manner approved by the highway patrol** of all charges filed, including all those added subsequent to the filing of a criminal court case, and whether charges were not filed in criminal cases for which the central repository has a record of an arrest. All records forwarded to the central repository by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle number of the offense, **the charge code for the offense**, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

[4.] **6.** The clerk of the courts of each county or city not within a county shall furnish the central repository, on standard forms supplied by the highway patrol **or in a manner approved by the highway patrol**, with all final dispositions of [criminal] cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to [subsections 6 and 7 of this section] **sections 43.500 to 43.506**. Such information shall include, for each charge:

- (1) All judgments of not guilty, acquittals on the ground of mental disease or defect excluding responsibility, judgments, or pleas of guilty including the sentence, if any, or probation, if any, pronounced by the court, nolle pros, discharges, releases, and dismissals in the trial court;
- (2) Court orders filed with the clerk of the courts which reverse a reported conviction or vacate or modify a sentence;
- (3) Judgments terminating or revoking a sentence to probation, supervision, or conditional release and any resentencing after such revocation; and
- (4) The offense cycle number of the offense, and the originating agency identifier number of the [reporting] **sentencing** court, using such numbers as assigned by the highway patrol.

[5.] **7.** The clerk of the courts of each county or city not within a county shall furnish, **to the department of corrections or department of mental health**, court judgment and sentence documents and the state offense cycle number **and the charge code** of the offense[,] which [result] **resulted** in the commitment or assignment of an offender[,] to the jurisdiction of the department of corrections or the department of mental health if the person is committed pursuant to chapter 552, RSMo. This information shall be reported to the department of corrections or the department of mental health at the time of commitment or assignment. If the offender was already in the custody of the department of corrections or the department of mental health at the time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the appropriate department by certified mail, return receipt requested **or in a manner and format mutually agree to**, within [ten] **fifteen** days of such disposition.

[6. After the court pronounces sentence, including an order of supervision or an order of probation granted for any offense which is required by statute to be collected, maintained, or disseminated by the central repository, or commits a person to the department of mental health pursuant to chapter 552, RSMo,] **8. Information and fingerprints, and other indicia forwarded to the central repository, normally obtained from a person at the time of the arrest, may be obtained at any time the subject is in the criminal justice system or committed to the department of mental health. A law enforcement agency or the department of corrections may fingerprint the person and obtain the necessary information at any time the subject is in custody. If at the time of disposition, the defendant has not been fingerprinted for an offense in which a fingerprint is required by statute to be collected, maintained, or disseminated by the central repository, the court shall order a law enforcement agency to fingerprint immediately [all persons appearing before the court to be sentenced or committed who have not previously been fingerprinted for the same case] the defendant. The law enforcement agency shall submit such fingerprints to the central repository without undue delay and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the clerk of the court ordering the subject fingerprinted.**

[7.] **9.** The department of corrections and the department of mental health shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, **legal name change**, or discharge of an individual who has been sentenced to that department's custody for any offenses which are mandated by law to be collected, maintained or disseminated by the central repository. All records forwarded to the central repository by the department as required by sections 43.500 to 43.530 shall include the offense cycle number of the offense, and the originating agency identifier number of the department using such numbers as assigned by the highway patrol.

43.506. 1. Those offenses considered reportable for the purposes of sections 43.500 to [43.530] **43.543** include all felonies and serious or aggravated misdemeanors consistent with the reporting standards established by the National Crime Information Center, Federal Bureau of Investigation, for the Federal Interstate Identification Index System. In addition, all cases arising pursuant to sections 566.010 to 566.141, RSMo, where the defendant pleads guilty to an offense involving a child under seventeen years of age and the court imposes a suspended imposition of sentence shall be reported. The following types of offenses shall not be considered reportable for the purposes of sections 57.403, RSMo, 43.500 to [43.530] **43.543**, and 595.200 to 595.218, RSMo: disturbing the peace, curfew violation, loitering, false fire alarm, disorderly conduct, nonspecific charges of suspicion or investigation, and general traffic violations and all misdemeanor violations of the state wildlife code. All violations for driving under the influence of drugs or alcohol are reportable. All offenses considered reportable shall be reviewed annually and noted in the Missouri charge code manual established in section 43.512. All information collected pursuant to sections 43.500 to [43.530] **43.543** shall be available only as set forth in section 610.120, RSMo.

2. [With the exception of the manual reporting of arrests and fingerprints by law enforcement agencies as noted in subsection 2 of section 43.503, and notwithstanding subsections 2 to 7 of section 43.503,] Law enforcement agencies, court clerks, prosecutors and custody agencies may report required information by electronic medium either directly to the central repository or indirectly to the central repository via other criminal justice agency computer systems in the state with the approval of the [advisory committee] **highway patrol, based upon standards established by the advisory committee.**

3. In addition to the repository of fingerprint records for individual offenders **and applicants**, the central repository of

criminal history **and identification** records for the state shall maintain a repository of latent prints, **palm prints, and other prints submitted to the repository.**

43.527. For purposes of sections 43.500 to [43.530] **43.543** all [federal and nonstate of Missouri] agencies **and persons** shall pay for criminal records checks, fingerprint searches, and any of the information as defined in subdivision (3) of section 43.500, when such information is not related to the administration of criminal justice. **There shall be no charge for information supplied to criminal justice agencies for the administration of criminal justice. There shall be no charge for information requested by Missouri state agencies screening their state employees or applicants for state employment.** For purposes of sections 43.500 to [43.530] **43.543** the administration of criminal justice is defined in subdivision (7) of section 43.500 **and shall be available only as set forth in section 610.120, RSMo.**

43.530. **1.** For each request **requiring the payment of a fee** received by the central repository, [as defined in subdivision (1) of section 43.500,] the requesting entity shall pay a fee of not more than five dollars per request for criminal history record information **not based on a fingerprint search** and pay a fee of not more than fourteen dollars per request for [classification and search of fingerprints] **criminal history record information based on a fingerprint search.** Each such request shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, or money order payable to the state of Missouri-criminal record system **or payment shall be made in a manner approved by the highway patrol.** There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in [section 43.527] **sections 43.500 to 43.543,** the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

2. For purposes of obtaining criminal records prior to issuance of a school bus operator's permit pursuant to section 302.272, RSMo, and for determining eligibility for such permit, the applicant for such permit shall submit two sets of fingerprints to the director of revenue when applying for the permit. The fingerprints shall be collected in a manner approved by the superintendent of the highway patrol. The school bus permit applicant shall pay the appropriate fee described in this section and pay the appropriate fee determined by the

Federal Bureau of Investigation for the federal criminal history record when he or she applies for the school bus permit. Collections for records described in this subsection shall be deposited in the criminal record system fund.

43.532. **1.** Criminal history and identification records obtained from the central repository shall be used solely for the purpose for which they were obtained. The subject of the record shall be afforded the opportunity to challenge the correctness, accuracy, and completeness of a criminal history record.

2. The central records repository shall have authority to engage in the practice of collecting, assembling, or disseminating criminal history record information for the purpose of retaining manually or electronically stored criminal history information. Any person obtaining criminal history record information from the central repository under false pretenses, advertise or engage in the practice of collecting, assembling, or disseminating as a business enterprise other than for the purpose of furnishing criminal history information to the authorized requestor for its intended purpose is guilty of a class A misdemeanor.

43.540. **1.** As used in this section, the following terms mean:

(1) "Authorized state agency", a division of state government or an office of state government designated by the statutes of this state to issue or renew a license, permit, certification, or registration of authority to a qualified entity;

(2) "Care", the provision of care, treatment, education, training, instruction, supervision, or recreation;

[(1)] (3) "Missouri criminal record review", a [request to the highway patrol for information concerning any criminal history record for a felony or misdemeanor and any offense for which the person has registered pursuant to sections

589.400 to 589.425, RSMo] **review of criminal history records maintained by the highway patrol in the criminal records repository;**

(4) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;

[(2)] (5) "Patient or resident", a person who by reason of [aging] age, illness, disease, or physical or mental infirmity receives or requires care or services furnished by a provider, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated, or accommodated in a facility as defined in section 198.006, RSMo, for a period exceeding twenty-four consecutive hours;

[(3)] "Patrol", the Missouri state highway patrol;

(4)] (6) "Provider", [any licensed day care home, licensed day care center, licensed child-placing agency, licensed residential care facility for children, licensed group home, licensed foster family group home, licensed foster family home or any operator licensed pursuant to chapter 198, RSMo, any employer of nurses or nursing assistants for temporary or intermittent placement in health care facilities or any entity licensed pursuant to chapter 197, RSMo] a person who:

(a) Is employed by or seeks employment with a qualified entity; or

(b) Volunteers or seeks to volunteer with a qualified entity; or

(c) Owns or operates a qualified entity; and

(d) Has or may have unsupervised access to children, the elderly, or persons with disabilities;

(7) "Qualified entity", a person, business, or organization, whether public or private, for profit, not-for-profit, or voluntary, that provides care, placement, or educational services, for children, the elderly or persons with disabilities as patients or residents, including a business or organization that licenses or certifies others to provide care or placement services;

[(5)] (8) "Youth services agency", any public or private agency, school, or association which provides programs, care or treatment for or which exercises supervision over minors.

2. [Upon receipt of a written request from a private investigatory agency, a youth service agency or a provider, with the written consent of the applicant, the highway patrol shall conduct a criminal record review of an applicant for a paid or voluntary position with the agency or provider if such position would place the applicant in contact with minors, patients or residents.

3. Any request for information made pursuant to the provisions of this section shall be on a form provided by the highway patrol and shall be signed by the person who is the subject of the request.

4. The patrol shall respond in writing to the youth service agency or provider making a request for information pursuant to this section and shall inform such youth service agency or provider of the address and offense for which the offender registered pursuant to sections 589.400 to 589.425, RSMo, and the nature of the offense, and the date, place and court for any other offenses contained in the criminal record review. Notwithstanding any other provision of law to the contrary, the youth service agency or provider making such request shall have access to all records of arrests resulting in an adjudication where the applicant was found guilty or entered a plea of guilty or nolo contendere in a prosecution pursuant to chapter 565, RSMo, sections 566.010 to 566.141, RSMo, or under the laws of any state or the United States for offenses described in sections 566.010 to 566.141, RSMo, or chapter 565, RSMo, during the period of any probation imposed by the sentencing court.

5. Any information received by a provider or a youth services agency pursuant to this section shall be used solely for the provider's or youth service agency's internal purposes in determining the suitability of an applicant or volunteer.

The information shall be confidential and any person who discloses the information beyond the scope allowed in this section is guilty of a class A misdemeanor. The patrol shall inform, in writing, the provider or youth services agency of the requirements of this subsection and the penalties provided in this subsection at the time it releases any information pursuant to this section.] **A qualified entity may obtain a criminal record review of a provider from the highway patrol by furnishing information on forms and in the manner approved by the highway patrol.**

3. A qualified entity may request a Missouri criminal record review and a national criminal review of a provider through an authorized state agency. No authorized state agency is required by this section to process Missouri or national criminal record reviews for a qualified entity, however, if an authorized state agency agrees to process Missouri and national criminal record reviews for a qualified entity, the qualified entity shall provide to the authorized state agency on forms and in a manner approved by the highway patrol the following:

(1) Two sets of fingerprints of the provider;

(2) A statement signed by the provider which contains:

(a) The provider's name, address, and date of birth;

(b) Whether or not the provider has been convicted of or has pled guilty to a crime which includes a suspended imposition of sentence;

(c) If the provider has been convicted of or has pled guilty to a crime, a description of the crime, and the particulars of the conviction or plea;

(d) The authority of the qualified entity to check the provider's criminal history;

(e) The right of the provider to review the report received by the qualified entity; and

(f) The right of the provider to challenge the accuracy of the report. If the challenge is to the accuracy of the criminal record review, the challenge shall be made to the highway patrol.

4. The authorized state agency shall forward the required forms and fees to the highway patrol. The results of the record review shall be forwarded to the authorized state agency who will notify the qualified entity. The authorized state agency may assess a fee to the qualified entity to cover the cost of handling the criminal record review and may establish an account solely for the collection and dissemination of fees associated with the criminal record reviews.

5. Any information received by an authorized state agency or a qualified entity pursuant to the provisions of this section shall be used solely for the internal purposes of determining the suitability of a provider. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. The highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

43.542. In order to facilitate the authorized interstate exchange of criminal history information for non criminal justice purposes to adopt the National Crime Prevention and Privacy Compact, 42 U.S.C. 14616, the general assembly approves and adopts the compact. The chief administrator of the state's criminal history records repository shall execute the compact on behalf of the state of Missouri.

43.543. Any state agency listed in section 621.045, RSMo, [or any state agency which provides programs, care or treatment for or which exercises supervision over minors shall submit two sets of fingerprints for any person seeking employment with such agency or provider or for any person who is seeking the issuance or renewal of a license,

permit or certificate of registration or authority from such agency, for the purpose of checking the person's prior criminal history when the state agency determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's criminal records division. The first set of fingerprints shall be used for searching the state repository of criminal history information. If no identification is made, the second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the submitting state agency of any criminal history information or lack of criminal history information discovered on the individual.] **the division of professional registration of the department of economic development, the department of social services, the state supreme court, the department of elementary and secondary education, the Missouri lottery, and the gaming commission may for persons seeking employment with such agency or issuance or renewal of a license, permit, certificate, or registration of authority from such agency, or any state agency or committee which is authorized by state statute or executive order to screen applicants or candidates seeking or considered for employment, assignment, or appointment to a position within state government; or the police officers standards and training commission pursuant to chapter 630, RSMo, may for persons not employed by a criminal justice agency who seek enrollment or access into a certified POST training academy police school; or law enforcement agencies may for persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase or possess a firearm; shall submit two sets of fingerprints to the highway patrol. Such fingerprints shall be used by the highway patrol to search the criminal records repository and the second set shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files if necessary. The fingerprints shall be submitted on forms and in the manner prescribed by the highway patrol. Fees assessed for the searches shall be paid in the manner prescribed by the highway patrol.** Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the state agency making the record request."; and

Further amend said bill, Page 6, Section 115.157, Line 14, by inserting after all of said line the following:

"210.909. 1. Upon submission of a completed registration form by a child-care worker, elder-care worker or personal-care attendant, the department shall:

(1) Determine if a probable cause finding of child abuse or neglect involving the applicant has been recorded pursuant to sections 210.109 to 210.183 and, as of January 1, 2003, if there is a probable cause finding of financial exploitation of the elderly or disabled pursuant to section 570.145, RSMo;

(2) Determine if the applicant has been refused licensure or has experienced involuntary licensure suspension or revocation pursuant to section 210.496;

(3) Determine if the applicant has been placed on the employee disqualification list pursuant to section 660.315, RSMo;

(4) As of January 1, 2003, determine if the applicant is listed on the department of mental health's employee disqualification registry;

(5) Determine through a request to the patrol pursuant to section 43.540, RSMo, whether the applicant has any [conviction, plea of guilty or nolo contendere, or a suspended execution of sentence to a charge of any offense pursuant to chapters 198, 334, 560, 565, 566, 568, 569, 573, 575 and 578, RSMo] **criminal history record for a felony or misdemeanor or any offense for which the person has registered pursuant to sections 589.400 to 589.425, RSMo;** and

(6) If the background check involves a provider, determine if a facility has been refused licensure or has experienced licensure suspension, revocation or probationary status pursuant to sections 210.201 to 210.259 or chapter 198, RSMo.

2. Upon completion of the background check described in subsection 1 of this section, the department shall include information in the registry for each registrant as to whether any convictions, employee disqualification listings, registry listings, probable cause findings, pleas of guilty or nolo contendere, or license denial, revocation or suspension have been documented through the records checks authorized pursuant to the provisions of sections 210.900 to 210.936.

3. The department shall notify such registrant in writing of the results of the determination recorded on the registry pursuant to this section.

210.922. The department **of health and senior services, department of mental health, and department of social services** may use the registry information to carry out the duties assigned to the department pursuant to this chapter and chapters 190, 195, 197, 198, **630**, and 660, RSMo."; and

Further amend said bill, Page 61, Section 589.414, Line 9, by inserting after all of said line the following:

"610.120. 1. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and section 43.507, RSMo. [They shall be available to] **The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to section 43.500, RSMo, criminal justice employment, screening persons with access to criminal justice facilities, procedures and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency; those agencies authorized pursuant to section 43.543, RSMo, to submit and when submitting fingerprints to the central repository;** the sentencing advisory commission created in section 558.019, RSMo, for the purpose of studying sentencing practices[, and only to courts, law enforcement agencies,] **in accordance with section 43.507, RSMo; to qualified entities for the purpose of screening providers defined in section 43.540, RSMo; the child care agencies, department of revenue for [driving record purposes, facilities as defined in section 198.006, RSMo, in-home services provider agencies as defined in section 660.250, RSMo,] driver license administration;** the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, RSMo, **department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies** and federal agencies for purposes of [prosecution, sentencing, parole consideration] **criminal justice administration, criminal justice employment, child, elderly, or disabled care [employment, nursing home employment], and [to federal agencies] for such investigative purposes as authorized by law or presidential executive order.**

2. These records shall be made available only for the [above] purposes [regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes.] and to the entities listed in this section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the state criminal records repository shall be in accordance with administrative rules and regulations established in accordance with section 43.509, RSMo. All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

[2. As used in this section, the term "child care" includes providers and youth services agencies as those terms are defined in section 43.540, RSMo, elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.]

610.123. 1. Any person who wishes to have a record of arrest expunged pursuant to section 610.122 may file a verified petition for expungement in the civil division of the circuit court in the county of the arrest as provided in subsection 4 of this section. The petition shall include the following information or shall be dismissed if the information is not given:

(1) The petitioner's:

(a) Full name;

- (b) Sex;
 - (c) Race;
 - (d) Date of birth;
 - (e) Driver's license number;
 - (f) Social Security number; and
 - (g) Address at the time of the arrest;
- (2) The offense charged against the petitioner;
 - (3) The date the petitioner was arrested;
 - (4) The name of the county where the petitioner was arrested and if the arrest occurred in a municipality, the name of the municipality;
 - (5) The name of the agency that arrested the petitioner;
 - (6) The case number and court of the offense;

(7) Petitioner's fingerprints on a standard fingerprint card at the time of filing a petition to expunge a record that will be forwarded to the central repository for the sole purpose of positively identifying the petitioner.

2. The petition shall name as defendants all law enforcement agencies, courts, prosecuting attorneys, central state depositories of criminal records or others who the petitioner has reason to believe may possess the records subject to expungement. The court's order shall not affect any person or entity not named as a defendant in the action.

3. The court shall set a hearing on the matter no sooner than thirty days from the filing of the petition and shall give reasonable notice of the hearing to each official or agency or other entity named in the petition.

4. If the court finds that the petitioner is entitled to expungement of any record that is the subject of the petition, it shall enter an order directing expungement. A copy of the order shall be provided to each agency identified in the petition pursuant to subsection 2 of this section.

5. The supreme court shall promulgate rules establishing procedures for the handling of cases filed pursuant to the provisions of this section and section 610.122. Such procedures shall be similar to the procedures established in chapter 482, RSMo, for the handling of small claims."; and

Further amend said bill, Page 61, Section 589.414, Line 9, by inserting after all of said line the following:

"630.170. 1. A person **who is listed on the department of mental health disqualification registry pursuant to this section, who is listed on the department of social services, or the department of health and senior services employee disqualification list pursuant to section 660.315, RSMo, or who has been convicted of, pled guilty to or nolo contendere to** any crime pursuant to section 630.155 or 630.160 shall be disqualified from holding any position in any public or private facility or day program operated, funded or licensed by the department or in any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632, RSMo.

2. A person **who has been convicted of, pled guilty to or nolo contendere to** any felony offense against persons as defined in chapter 565, RSMo; [of] any felony sexual offense as defined in chapter 566, RSMo; [of] any felony offense defined in section **568.020, 568.045, 568.050, 568.060, 569.020, 569.025, 569.030, 569.035, 569.040 [or], 569.050, 569.070, or 569.160, RSMo, or of an equivalent felony offense, or who has been convicted of or pled guilty or nolo contendere to any violation of subsection 3 of section 198.070, RSMo,** shall be disqualified from

holding any direct-care position in any public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo.

3. A person who has received a suspended imposition of sentence or a suspended execution of sentence following a plea of guilty to any of the disqualifying crimes listed in subsection 1 or 2 of this section shall remain disqualified.

[3.] **4. Any person disqualified pursuant to the provisions of subsection 1 or 2 of this section may [appeal] seek an exception to the disqualification [to] from the director of the department or the director's designee. The request shall be written and may not be made more than once every twelve months. The request may be granted by the director or designee if in the judgment of the director or designee a clear showing has been made by written submission only, that the person will not commit any additional acts for which the person had originally been disqualified for or any other acts that would be harmful to a patient, resident or client of a facility, program or service. The director or designee may grant [the appeal] an exception subject to any conditions deemed appropriate and failure to comply with such terms may result in the person again being disqualified. Decisions by the director or designee pursuant to the provisions of this subsection shall not be subject to appeal. The right to [appeal] request an exception pursuant to this subsection shall not apply to persons [convicted of] who are disqualified due to being listed on the department of social services or department of health and senior services employee disqualification list pursuant to section 660.315, RSMo, nor to persons disqualified from employment due to any crime pursuant to the provisions of chapter 566 [or 568], RSMo, or section 565.020 or 565.021, RSMo, section 568.020 or 568.060, RSMo, or section 569.025 or 569.070, RSMo.**

5. An applicant for a direct care position in any public or private facility, day program, residential facility, or specialized service operated, funded, or licensed by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo, shall:

(1) Sign a consent form as required by section 43.540, RSMo, to provide written consent for a criminal record review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision, "criminal history" includes any suspended imposition of sentence, any suspended execution of sentence, or any period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 660.315, RSMo, or the department of mental health disqualification registry as provided for in this section.

6. Any person who has received a good cause waiver issued by the division of aging or division of senior services pursuant to subsection 9 of section 660.317, RSMo, shall not require an additional exception pursuant to this section in order to be employed in a long-term care facility licensed pursuant to chapter 198, RSMo.

7. Any public or private residential facility, day program, or specialized service licensed, certified, or funded by the department shall, not later than two working days of hiring any person for a full-time, part-time, or temporary position to have contact with clients or residents or patients shall:

(1) Request a criminal background check as provided in section 43.540, RSMo;

(2) Make an inquiry to the department of social services and department of health and senior services whether the person is listed on the employee disqualification list as provided in section 660.315, RSMo; and

(3) Make an inquiry to the department of mental health whether the person is listed on the disqualification registry as provided in this section.

8. An applicant who knowingly fails to disclose his or her criminal history as required in subsection 5 of this

section is guilty of a class A misdemeanor. A provider is guilty of a class A misdemeanor if the provider knowingly hires a person to hold a direct care position if that persons has been disqualified pursuant to the provisions of subsection 1 or 2 of this section.

[4.] **9.** The department may maintain a disqualification registry and place on the registry the names of any persons who have been finally determined by the department to be disqualified pursuant to this section, or who have had administrative substantiations made against them for abuse or neglect pursuant to department rule. Such list shall reflect that the person is barred from holding any position in any public or private facility or day program operated, funded or licensed by the department, or any mental health facility or mental health program in which persons are admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo."; and

Further amend said bill, Page 61, Section 1, Line 13, by inserting after all of said line the following:

"[43.521. Sections 43.500 to 43.530 shall not require fingerprinting of juvenile offenders or reporting of information pertaining to a proceeding pursuant to the Missouri juvenile code, except in those cases where a juvenile is certified to the circuit court to stand trial as an adult.]

[210.937. The provisions of sections 210.900 to 210.936 shall terminate on January 1, 2004.]"; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for House Bill No. 198, Page 39, Section 544.170, Line 12, by inserting after all of said line the following:

"565.030. 1. Where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases with a single stage trial in which guilt and punishment are submitted together.

2. Where murder in the first degree is submitted to the trier without a waiver of the death penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged other than murder in the first degree in a count together with a count of murder in the first degree, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he finds the defendant to be a prior offender pursuant to chapter 558, RSMo.

3. If murder in the first degree is submitted and the death penalty was not waived but the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. No further evidence shall be received. If the trier is a jury it shall be instructed on the law. The attorneys may then argue as in other criminal cases the issue of punishment, after which the trier shall assess and declare the punishment as in all other criminal cases.

4. If the trier at the first stage of a trial where the death penalty was not waived finds the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the murder victim and the impact of the crime upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the

right to open and close the argument. The trier shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor:

- (1) If the trier finds by a preponderance of the evidence that the defendant is mentally retarded; or
- (2) If the trier does not find beyond a reasonable doubt at least one of the statutory aggravating circumstances set out in subsection 2 of section 565.032; or
- (3) If the trier concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the statutory mitigating circumstances listed in subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment found by the trier; or
- (4) If the trier decides under all of the circumstances not to assess and declare the punishment at death. If the trier is a jury it shall be so instructed.

If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If the trier is a jury [it shall be instructed before the case is submitted that if it] **and** is unable to **unanimously** decide or agree upon **setting** the punishment **at death**, the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor [or death]; **and the jury shall be accordingly instructed before the case is submitted**. The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for murder in the first degree.

5. Upon written agreement of the parties and with leave of the court, the issue of the defendant's mental retardation may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in subsection 4 of this section.

6. As used in this section, the terms "mental retardation" or "mentally retarded" refer to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with continual extensive related deficits and limitations in two or more adaptive behaviors such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which conditions are manifested and documented before eighteen years of age.

7. The provisions of this section shall only govern offenses committed on or after August 28, [2001] **2003**."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for House Bill No. 198, Page 9, Section 217.305, Line 18 of said page, by striking the word "certified"; and further amend said line, by striking the opening bracket "["; and further amend said line, by striking the closing bracket "]"; and further amend line 19 of said page, by striking the opening bracket "["; and further amend line 20 of said page, by striking the closing bracket "]".

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for House Bill No. 198, Page 13, Section 226.531, Line 1 of said page, by inserting after all of said line the following:

"300.330. The driver of a **motor** vehicle shall not drive within any sidewalk area except as a permanent or temporary driveway. **A bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a bicycle lane only for the purpose of a lawful maneuver to cross the lane or provide for safe travel. Where a bicycle lane is present, a driver making a lawful maneuver must first merge into the bicycle lane after yielding to any traffic that may be present.**

300.410. Notwithstanding the foregoing provisions of sections 300.155 to 300.410, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian [upon any roadway and shall give warning by sounding the horn when necessary], **any person propelling a human powered vehicle, or any person operating a motorcycle**, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway."; and

Further amend said bill, Page 16, Section 302.060, Line 4 of said page, by inserting after all of said line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points

(except any violation of municipal stop sign ordinance where no accident is involved

1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance

2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal

ordinance 6 points

(4) Careless and imprudent driving

in violation of subsection 4 of section 304.016,

RSMo . 4 points

In violation of a county or municipal ordinance

2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction 2 points

(b) For the second conviction 4 points

- (c) For the third conviction 6 points
- (6) Operating with a suspended or
revoked license prior to restoration of operating
privileges 12 points
- (7) Obtaining a license by
misrepresentation 12 points
- (8) For the first conviction of driving
while in an intoxicated condition or under the
influence of controlled substances or drugs
8 points
- (9) For the second or subsequent conviction
of any of the following offenses however
combined: driving while in an intoxicated
condition, driving under the influence of
controlled substances or drugs or driving with
a blood alcohol content of eight-hundredths of one
percent or more by weight 12 points
- (10) For the first conviction for driving
with blood alcohol content eight-hundredths of
one percent or more by weight
In violation of state law 8 points
In violation of a county or municipal ordinance
or federal law or regulation 8 points
- (11) Any felony involving the use of a
motor vehicle 12 points
- (12) Knowingly permitting unlicensed
operator to operate a motor vehicle 4 points
- (13) For a conviction for failure to maintain
financial responsibility pursuant to county

or municipal ordinance or pursuant to

section 303.025, RSMo 4 points

(14) For a conviction for colliding

with a pedestrian, bicyclist, or

motorcyclist thereby causing personal injury

to the pedestrian, bicyclist, or motorcyclist

pursuant to section 565.070, RSMo:

(a) For the first conviction 4 points

(b) For the second and subsequent

conviction 6 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend said bill, Page 24, Section 302.541, Line 19 of said page, by inserting after all of said line the following:

"304.675. 1. The governing body of a county or municipality may establish a maximum speed limit within a

school zone not to exceed twenty miles per hour. Such speed limit shall be in force only during those times thirty minutes before, during, and thirty minutes after the periods of time when students are arriving at a regularly scheduled school session and leaving a regularly scheduled school session. As used in this section, the term "school zone" means school property on which a school building is located and the area adjacent to the school property that is designated by signs showing the posted limit. The state highways and transportation commission shall approve a twenty mile per hour speed limit in a school zone on state or federal highways before the same shall become effective.

2. The governing body of a county or municipality may establish a speed limit within a school zone lower than twenty miles per hour if it finds, in conjunction with the school board, that a lower limit is needed to promote public safety, and the governing body of a county or municipality may extend the hours which the school zone speed limit is in force, if it finds, in conjunction with the school board, that extended hours for the school zone speed limit are needed to promote public safety. The establishment of any speed limit within a school zone lower than twenty miles per hour shall be in accordance with sections 304.101, 304.120, and 304.130.

3. Any reduction of speed in cities, towns, or villages shall be designed to expedite flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town, or village which enacted such ordinance.

If an ordinance is declared void, the city, town, or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

304.677. Notwithstanding any other provisions of the law to the contrary, every driver of a motor vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian, any person propelling a human powered vehicle, or any person operating a motorcycle upon the roadway, and shall give an audible signal when necessary, and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated, or intoxicated person."; and

Further amend said bill, Page 26, Section 516.600, Line 9 of said page, by inserting after all of said line the following:

"537.038. Every driver of a motor vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian, cyclist, or motorcyclist and thereby causing bodily injury or death to a pedestrian, cyclist, or motorcyclist."; and

Further amend said bill, Page 39, Section 544.170, Line 12 of said page, by inserting after all of said line the following:

"565.070. 1. A person commits the crime of assault in the third degree if:

(1) The person attempts to cause or recklessly causes physical injury to another person; or

(2) With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or

(3) The person purposely places another person in apprehension of immediate physical injury; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or

(5) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or

(6) The person knowingly causes physical contact with an incapacitated person, as defined in section 475.010, RSMo,

which a reasonable person, who is not incapacitated, would consider offensive or provocative; **or**

(7) The person knowingly collides with a pedestrian, cyclist, or motorcyclist and thereby causes bodily injury of death to the pedestrian, cyclist, or motorcyclist.

2. Except as provided in subsections 3 and 4 of this section, assault in the third degree is a class A misdemeanor.

3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this section is guilty of a class C misdemeanor.

4. A person who has pled guilty to or been found guilty of the crime of assault in the third degree more than two times against any family or household member as defined in section 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the crime of assault in the third degree when a class A misdemeanor. The offenses described in this subsection may be against the same family or household member or against different family or household members."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for House Bill No. 198, Page 56, Section 578.160, Lines 10-13, by deleting said lines and inserting the following:

"578.160. Any person who intentionally intercepts a cellular transmission and disseminates such intercepted information to any person other than the original intended recipient is guilty of a class A misdemeanor."

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for House Bill No. 198, Page 61, Section 1, Line 13, by inserting after all of said line the following:

"Section 2. Any veterinarian licensed and accredited in the state of Missouri is authorized by the Missouri department of agriculture or the federal Animal and Plant Health Inspection Service veterinarian in charge to impose any such restrictions on animals, persons, and vehicles as he or she sees fit to prevent the spread of contagious reportable diseases, a toxic agent, or radioactive contaminated animals or poultry. Any person who obstructs any action by a veterinarian imposing such restrictions shall be guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 23** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Loudon offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for House Bill No. 198, Page 26, Section 516.600, Lines 3-9 of said page, by striking all of said lines and inserting in lieu thereof the following:

"516.600. Any action to recover damages for injury or illness caused by child sexual abuse in an action brought pursuant to section 537.046 shall be commenced within twelve years of the date the plaintiff attains the age of eighteen or within three years of the date that the plaintiff discovers, or reasonably should have discovered, that the injury or illness was caused by child sexual abuse, whichever occurs later."

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered SA 25:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for House Bill No. 198, Page 42, Section 565.305, Line 7, by inserting after all of said line the following:

"571.070. 1. A person commits the crime of unlawful possession of a [concealable] firearm if he has any [concealable] firearm in his possession and:

(1) He has pled guilty to or has been convicted of a dangerous felony, as defined in section 556.061, RSMo, or of an attempt to commit a dangerous felony, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a dangerous felony, or confined therefor in this state or elsewhere during the five-year period immediately preceding the date of such possession; or

(2) He is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of a [concealable] firearm is a class C felony."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 26:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for House Bill No. 198, Page 26, Section 478.610, Line 2:

"488.026. As provided by section 56.807, RSMo, there shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state, including violations of any county ordinance or any violation of criminal or traffic laws of this state, including infractions, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or municipality or when a criminal proceeding or the defendant has been dismissed by the court *or against any person who has pled guilty and paid their fine pursuant to section 476.385.4*. For purposes of this section, the term "county ordinance" shall include any ordinance of the City of St. Louis. The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the "Prosecuting Attorneys and Circuit Attorneys' Retirement Fund.

56.807. 1. Beginning August 28, 1989 and continuing monthly thereafter until August 27, 2003 the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds.

2. Beginning [thirty days after the establishment of this system] August 28, 1989 and continuing monthly thereafter until August 27, 2003 each county treasurer shall pay to the system the following amounts to be drawn from the

general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;

(2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;

(3) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

3. Beginning August 28, 1989 and continuing until August 27, 2003 [T]the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

4. Beginning August 28, 2003 the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge established in this section and collected as provided by this section and sections 488.010 to 488.020.

5. Beginning August 28, 2003 each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, one hundred eighty-seven dollars;

(2) For counties of the second classification, two hundred seventy-one dollars;

(3) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of St. Louis, six hundred forty six dollars.

6. Beginning August 28, 2003 the county treasurer shall at least monthly transmit the sums specified in subsection 5 of this section to the Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund". Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

7. Beginning August 28, 2003 the following surcharge for prosecuting attorneys and circuit attorneys shall be collected and paid as follows:

(1) There shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state including violation of any county ordinance or any violation of criminal or traffic laws of this state, including infractions, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or municipality or when a criminal proceeding or the defendant has been dismissed by the court or against any person who has pled guilty and paid their fine pursuant to section 476.385.4. For purposes of this section, the term "county ordinance" shall include any ordinance of the City of St. Louis.

(2) The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable to the Prosecuting Attorneys and Circuit Attorneys' Retirement Fund Moneys credited to the "Prosecuting Attorneys and Circuit Attorneys' Retirement

Fund" shall be used only for the purposes provided for in sections 56.800 to 56.840 and for no other purpose.

[4.] **8.** The board may accept gifts, donations, grants and bequests from private or public sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

[5.] **9.** No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840 unless provided for by law."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **SS** for **HB 198**, as amended, be adopted, which motion prevailed.

Senator Nodler moved that **SS** for **HB 198**, as amended, be read the 3rd time and finally passed.

Senator Nodler was recognized to close.

President Pro Tem Kinder referred **SS** for **HB 198**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HB 286**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 286, Page 7, Section B, Line 7 of said page, by striking the words "section 208.565" and inserting in lieu thereof "sections 208.565 and 338.500 to 338.550".

HOUSE BILLS ON THIRD READING

Senator Shields moved that **SS** for **SCS** for **HB 286**, with **SCA 1**, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCA 1 was taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

On motion of Senator Shields, **SS** for **SCS** for **HB 286**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators
DePasco
Klindt--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators
DePasco
Klindt--2

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 12**, entitled:

An Act to amend chapter 1, RSMo, by adding thereto two new sections relating to prohibition of interference with the free exercise of religion.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HB 470**, as amended. Representatives: Mayer, Stevenson, Goodman, Jolly and Kuessner.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HB 412**, as amended. Representatives: Goodman, Lager, Crowell, Seigfried and Abel.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HB 412**, as amended: Senators Childers, Gibbons, Yeckel, Days and Mathewson.

On motion of Senator Gibbons, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

Senator Shields requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, to meet while the Senate is in session, which request was granted.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HB 267**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 322**, begs leave to report that it has considered the same and recommends that the bill do pass.

The Senate paused in a moment of silence in memory of Mrs. Juanita Klindt.

President Maxwell assumed the Chair.

THIRD READING OF SENATE BILLS

SB 159, with **SCS**, introduced by Senator Bland, entitled:

An Act to repeal section 161.102, RSMo, and to enact in lieu thereof one new section relating to the coordination of school health programs.

Was called from the Consent Calendar and taken up.

SCS for **SB 159**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 159

An Act to repeal section 161.102, RSMo, and to enact in lieu thereof one new section relating to the coordination of school health programs.

Was taken up.

Senator Shields assumed the Chair.

Senator Bland moved that **SCS** for **SB 159** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 159** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Jacob	Kennedy
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Stoll	Wheeler--24
NAYS--Senators			
Clemens	Gross	Kinder	Loudon
Russell	Vogel	Yeckel--7	
Absent--Senator Dolan--1			
Absent with leave--Senators			
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 208, with **SCS**, entitled:

An Act to repeal section 393.110, RSMo, and to enact in lieu thereof one new section relating to the public service commission's jurisdiction of consumer-owned electric corporations.

Was called from the Informal Calendar and taken up by Senator Kinder.

SCS for **HB 208**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 208

An Act to repeal sections 386.210 and 393.110, RSMo, and to enact in lieu thereof three new sections relating to the public service commission.

Was taken up.

President Maxwell assumed the Chair.

Senator Kinder moved that **SCS** for **HB 208** be adopted.

Senator Kinder offered **SS** for **SCS** for **HB 208**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 208

An Act to repeal sections 91.030, 386.050, 386.210, 392.200, 393.110, and 393.310, RSMo, and to enact in lieu thereof nine new sections relating to the public service commission, with an emergency clause for certain sections.

Senator Kinder moved that **SS** for **SCS** for **HB 208** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 208, Page 19, Section 393.310, Line 11 of said page, by inserting after all of said line the following:

"393.1000. As used in sections 393.1000 to 393.1006, the following terms mean:

(1) "Appropriate pretax revenues", the revenues necessary to produce net operating income equal to:

(a) The water corporation's weighted cost of capital multiplied by the net original cost of eligible infrastructure system replacements, including recognition of accumulated deferred income taxes and accumulated depreciation associated with eligible infrastructure system replacements which are included in a currently effective ISRS; and

(b) Recover state, federal, and local income or excise taxes applicable to such income; and

(c) Recover all other ISRS costs;

(2) "Commission", the Missouri public service commission;

(3) "Eligible infrastructure system replacements", water utility plant projects that:

(a) Replace or extend the useful life of existing infrastructure;

(b) Are in service and used and useful;

(c) Do not increase revenues by directly connecting the infrastructure replacement to new customers; and

(d) Were not included in the water corporation's rate base in its most recent general rate case;

(4) "ISRS", infrastructure system replacement surcharge;

(5) "ISRS costs", depreciation expenses, and property taxes that will be due within twelve months of the ISRS filing;

(6) "ISRS revenues", revenues produced through an ISRS, exclusive of revenues from all other rates and charges;

(7) "Water corporation", every corporation, company, association, joint stock company or association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any plant or property, dam or water supply, canal, or power station,

distributing or selling for distribution, or selling or supplying for gain any water to more than ten thousand customers;

(8) "Water utility plant projects", may consist only of the following:

(a) Mains, and associated valves and hydrants, installed as replacements for existing facilities that have worn out or are in deteriorated condition;

(b) Main cleaning and relining projects; and

(c) Facilities relocations required due to construction or improvement of a highway, road, street, public way, or other public work by or on behalf of the United States, this state, a political subdivision of this state, or another entity having the power of eminent domain provided that the costs related to such projects have not been reimbursed to the water corporation.

393.1003. 1. Notwithstanding any provisions of chapter 386, RSMo, and this chapter to the contrary, as of August 28, 2003, a water corporation providing water service in a county with a charter form of government and with more than one million inhabitants may file a petition and proposed rate schedules with the commission to establish or change ISRS rate schedules that will allow for the adjustment of the water corporation's rates and charges to provide for the recovery of costs for eligible infrastructure system replacements made in such county with a charter form of government and with more than one million inhabitants; provided that an ISRS, on an annualized basis, must produce ISRS revenues of at least one million dollars but not in excess of ten percent of the water corporation's base revenue level approved by the commission in the water corporation's most recent general rate proceeding. An ISRS and any future changes thereto shall be calculated and implemented in accordance with the provisions of sections 393.1000 to 393.1006. ISRS revenues shall be subject to refund based upon a finding and order of the commission, to the extent provided in subsections 5 and 8 of section 393.1006.

2. The commission shall not approve an ISRS for a water corporation in a county with a charter form of government and with more than one million inhabitants that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past three years, unless the water corporation has filed for or is the subject of a new general rate proceeding.

3. In no event shall a water corporation collect an ISRS for a period exceeding three years unless the water corporation has filed for or is the subject of a new general rate proceeding; provided that the ISRS may be collected until the effective date of new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a commission order without new rates being established.

393.1006. 1. (1) At the time that a water corporation files a petition with the commission seeking to establish or change an ISRS, it shall submit proposed ISRS rate schedules and its supporting documentation regarding the calculation of the proposed ISRS with the petition, and shall serve the office of the public counsel with a copy of its petition, its proposed rate schedules and its supporting documentation.

(2) Upon the filing of a petition, and any associated rate schedules, seeking to establish or change an ISRS, the commission shall publish notice of the filing.

2. (1) When a petition, along with any associated proposed rate schedules, is filed pursuant to the provisions of sections 393.1000 to 393.1006, the commission shall conduct an examination of the proposed ISRS.

(2) The staff of the commission may examine information of the water corporation to confirm that the underlying costs are in accordance with the provisions of sections 393.1000 to 393.1006, and to confirm proper calculation of the proposed charge, and may submit a report regarding its examination to the commission not later than sixty days after the petition is filed. No other revenue requirement or ratemaking issues shall be examined in consideration of the petition or associated proposed rate schedules filed pursuant to the provisions

of sections 393.1000 to 393.1006.

(3) The commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than one hundred twenty days after the petition is filed.

(4) If the commission finds that a petition complies with the requirements of sections 393.1000 to 393.1006, the commission shall enter an order authorizing the water corporation to impose an ISRS that is sufficient to recover appropriate pretax revenues, as determined by the commission pursuant to the provisions of sections 393.1000 to 393.1006.

3. A water corporation may effectuate a change in its rate pursuant to this section no more often than two times every twelve months.

4. In determining the appropriate pretax revenues, the commission shall consider only the following factors:

(1) The current state, federal, and local income or excise tax rates;

(2) The water corporation's actual regulatory capital structure as determined during the most recent general rate proceeding of the water corporation;

(3) The actual cost rates for the water corporation's debt and preferred stock as determined during the most recent general rate proceeding of the water corporation;

(4) The water corporation's cost of common equity as determined during the most recent general rate proceeding of the water corporation;

(5) The current property tax rate or rates applicable to the eligible infrastructure system replacements;

(6) The current depreciation rates applicable to the eligible infrastructure system replacements;

(7) In the event information called for in subdivisions (2), (3), and (4) is unavailable and the commission is not provided with such information on an agreed-upon basis, the commission shall refer to the testimony submitted during the most recent general rate proceeding of the water corporation and use, in lieu of any such unavailable information, the recommended capital structure, recommended cost rates for debt and preferred stock, and recommended cost of common equity that would produce the average weighted cost of capital based upon the various recommendations contained in such testimony.

5. (1) An ISRS shall be calculated based upon the amount of ISRS costs that are eligible for recovery during the period in which the surcharge will be in effect and upon the applicable customer class billing determinants utilized in designing the water corporation's customer rates in its most recent general rate proceeding. The commission shall, however, only allow such surcharges to apply to classes of customers receiving a benefit from the subject water utility plant projects or shall prorate the surcharge according to the benefit received by each class of customers; provided that the ISRS shall be applied in a manner consistent with the customer class cost-of-service study recognized by the commission in the water corporation's most recent general rate proceeding, if applicable, and with the rate design methodology utilized to develop the water corporation's rates resulting from its most recent general rate proceeding.

(2) At the end of each twelve-month calendar period that an ISRS is in effect, the water corporation shall reconcile the differences between the revenues resulting from an ISRS and the appropriate pretax revenues as found by the commission for that period and shall submit the reconciliation and a proposed ISRS adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustment of an ISRS.

6. (1) A water corporation that has implemented an ISRS pursuant to the provisions of sections 393.1000 to 393.1006 shall file revised rate schedules to reset the ISRS to zero when new base rates and charges become

effective for the water corporation following a commission order establishing customer rates in a general rate proceeding that incorporates in the utility's base rates subject to subsections 8 and 9 of this section eligible costs previously reflected in an ISRS.

(2) Upon the inclusion in a water corporation's base rates subject to subsections 8 and 9 of this section of eligible costs previously reflected in an ISRS, the water corporation shall immediately thereafter reconcile any previously unreconciled ISRS revenues as necessary to ensure that revenues resulting from the ISRS match as closely as possible the appropriate pretax revenues as found by the commission for that period.

7. A water corporation's filing of a petition to establish or change an ISRS pursuant to the provisions of sections 393.1000 to 393.1006 shall not be considered a request for a general increase in the water corporation's base rates and charges.

8. Commission approval of a petition, and any associated rate schedules, to establish or change an ISRS pursuant to the provisions of sections 393.1000 to 393.1006 shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system replacements during a subsequent general rate proceeding when the commission may undertake to review the prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible infrastructure system replacements previously included in an ISRS, the water corporation shall offset its ISRS in the future as necessary to recognize and account for any such overcollections.

9. Nothing contained in sections 393.1000 to 393.1006 shall be construed to impair in any way the authority of the commission to review the reasonableness of the rates or charges of a water corporation, including review of the prudence of eligible infrastructure system replacements made by a water corporation, pursuant to the provisions of section 386.390 RSMo.

10. The commission shall have authority to promulgate rules for the implementation of sections 393.1000 to 393.1006, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of sections 393.1000 to 393.1006. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

393.1009. As used in sections 393.1009 to 393.1015, the following terms mean:

(1) "Appropriate pretax revenues", the revenues necessary to produce net operating income equal to:

(a) The gas corporation's weighted cost of capital multiplied by the net original cost of eligible infrastructure system replacements, including recognition of accumulated deferred income taxes and accumulated depreciation associated with eligible infrastructure system replacements which are included in a currently effective ISRS; and

(b) Recover state, federal, and local income or excise taxes applicable to such income; and

(c) Recover all other ISRS costs;

(2) "Commission", the Missouri public service commission;

(3) "Eligible infrastructure system replacements", gas utility plant projects that:

(a) Do not increase revenues by directly connecting the infrastructure replacement to new customers;

- (b) Are in service and used and useful;**
- (c) Were not included in the gas corporation's rate base in its most recent general rate case; and**
- (d) Replace, or extend the useful life of an existing infrastructure;**
- (4) "Gas corporation", every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any gas plant operating for public use under privilege, license, or franchise now or hereafter granted by the state or any political subdivision, county, or municipality thereof as defined in section 386.020, RSMo;**
- (5) "Gas utility plant projects", may consist only of the following:**
 - (a) Mains, valves, service lines, regulator stations, vaults, and other pipeline system components installed to comply with state or federal safety requirements as replacements for existing facilities that have worn out or are in deteriorated condition;**
 - (b) Main relining projects, service line insertion projects, joint encapsulation projects, and other similar projects extending the useful life, or enhancing the integrity of pipeline system components undertaken to comply with state or federal safety requirements; and**
 - (c) Facilities relocations required due to construction or improvement of a highway, road, street, public way, or other public work by or on behalf of the United States, this state, a political subdivision of this state, or another entity having the power of eminent domain provided that the costs related to such projects have not been reimbursed to the gas corporation;**
- (6) "ISRS", infrastructure system replacement surcharge;**
- (7) "ISRS costs", depreciation expense and property taxes that will be due within twelve months of the ISRS filing;**
- (8) "ISRS revenues", revenues produced through an ISRS exclusive of revenues from all other rates and charges.**

393.1012. 1. Notwithstanding any provisions of chapter 386, RSMo, and this chapter to the contrary, beginning August 28, 2003, a gas corporation providing gas service may file a petition and proposed rate schedules with the commission to establish or change ISRS rate schedules that will allow for the adjustment of the gas corporation's rates and charges to provide for the recovery of costs for eligible infrastructure system replacements. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues below the lesser of one million dollars or one-half of one percent of the gas corporation's base revenue level approved by the commission in the gas corporation's most recent general rate proceeding. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues exceeding ten percent of the gas corporation's base revenue level approved by the commission in the gas corporation's most recent general rate proceeding. An ISRS and any future changes thereto shall be calculated and implemented in accordance with the provisions of sections 393.1009 to 393.1015. ISRS revenues shall be subject to a refund based upon a finding and order of the commission to the extent provided in subsections 5 and 8 of section 393.1009.

2. The commission shall not approve an ISRS for any gas corporation that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past three years, unless the gas corporation has filed for or is the subject of a new general rate proceeding.

3. In no event shall a gas corporation collect an ISRS for a period exceeding three years unless the gas corporation has filed for or is the subject of a new general rate proceeding; provided that the ISRS may be

collected until the effective date of new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a commission order without new rates being established.

393.1015. 1. (1) At the time that a gas corporation files a petition with the commission seeking the establish or change an ISRS, it shall submit proposed ISRS rate schedules and its supporting documentation regarding the calculation of the proposed ISRS with the petition, and shall serve the office of the public counsel with a copy of its petition, its proposed rate schedules, and its supporting documentation.

(2) Upon the filing of a petition, and any associated rate schedules, seeking to establish or change an ISRS, the commission shall publish notice of the filing.

2. (1) When a petition, along with any associated proposed rate schedules, is filed pursuant to the provisions of sections 393.1009 to 393.1015, the commission shall conduct an examination of the proposed ISRS.

(2) The staff of the commission may examine information of the gas corporation to confirm that the underlying costs are in accordance with the provisions of sections 393.1009 to 393.1015, and to confirm proper calculation of the proposed charge, and may submit a report regarding its examination to the commission not later than sixty days after the petition is filed. No other revenue requirement or ratemaking issues may be examined in consideration of the petition or associated proposed rate schedules filed pursuant to the provisions of sections 393.1009 to 393.1015.

(3) The commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than one hundred twenty days after the petition is filed.

(4) If the commission finds that a petition complies with the requirements of sections 393.1009 to 393.1015, the commission shall enter an order authorizing the corporation to impose an ISRS that is sufficient to recover appropriate pretax revenue, as determined by the commission pursuant to the provisions of sections 393.1009 to 393.1015.

3. A gas corporation may effectuate a change in its rate pursuant to the provisions of this section no more often than two times every twelve months.

4. In determining the appropriate pretax revenue, the commission shall consider only the following factors:

(1) The current state, federal, and local income tax or excise rates;

(2) The gas corporation's actual regulatory capital structure as determined during the most recent general rate proceeding of the gas corporation;

(3) The actual cost rates for the gas corporation's debt and preferred stock as determined during the most recent general rate proceeding of the gas corporation;

(4) The gas corporation's cost of common equity as determined during the most recent general rate proceeding of the gas corporation;

(5) The current property tax rate or rates applicable to the eligible infrastructure system replacements;

(6) The current depreciation rates applicable to the eligible infrastructure system replacements; and

(7) In the event information pursuant to subdivisions (2), (3), and (4) of this subsection is unavailable and the commission is not provided with such information on an agreed upon basis, the commission shall refer to the testimony submitted during the most recent general rate proceeding of the gas corporation and use, in lieu of any such unavailable information, the recommended capital structure, recommended cost rates for debt and preferred stock, and recommended cost of common equity that would produce the average weighted cost of

capital based upon the various recommendations contained in such testimony.

5. (1) The monthly ISRS charge may be calculated based on a reasonable estimate of billing units in the period in which the charge will be in effect, which shall be conclusively established by dividing the appropriate pretax revenues by the customer numbers reported by the gas corporation in the annual report it most recently filed with the commission pursuant to subdivision (6) of section 393.140, and then further dividing this quotient by twelve. Provided, however, that the monthly ISRS may vary according to customer class and may be calculated based on customer numbers as determined during the most recent general rate proceeding of the gas corporation so long as the monthly ISRS for each customer class maintains a proportional relationship equivalent to the proportional relationship of the monthly customer charge for each customer class.

(2) At the end of each twelve month calendar period the ISRS is in effect, the gas corporation shall reconcile the differences between the revenues resulting from an ISRS and the appropriate pretax revenues as found by the commission for that period and shall submit the reconciliation and a proposed ISRS adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustments of an ISRS charge.

6. (1) A gas corporation that has implemented an ISRS pursuant to the provisions of sections 393.1009 to 393.1015 shall file revised rate schedules to reset the ISRS to zero when new base rates and charges become effective for the gas corporation following a commission order establishing customer rates in a general rate proceeding that incorporates in the utility's base rates subject to subsections 8 and 9 of this section eligible costs previously reflected in an ISRS.

(2) Upon the inclusion in a gas corporation's base rates subject to subsections 8 and 9 of this section of eligible costs previously reflected in an ISRS, the gas corporation shall immediately thereafter reconcile any previously unreconciled ISRS revenues as necessary to ensure that revenues resulting from the ISRS match as closely as possible the appropriate pretax revenues as found by the commission for that period.

7. A gas corporation's filing of a petition or change an ISRS pursuant to the provisions of sections 393.1009 to 393.1015 shall not be considered a request for a general increase in the gas corporation's base rates and charges.

8. Commission approval of a petition, and any associated rate schedules, to establish or change an ISRS pursuant to the provisions of sections 393.1009 to 393.1015 shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system replacements during a subsequent general rate proceeding when the commission may undertake to review the prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible infrastructure system replacements previously included in an ISRS, the gas corporation shall offset its ISRS in the future as necessary to recognize and account for any such overcollections.

9. Nothing in this section shall be construed as limiting the authority of the commission to review and consider infrastructure system replacement costs along with other costs during any general rate proceeding of any gas corporation.

10. Nothing contained in sections 393.1009 to 393.1015 shall be construed to impair in any way the authority of the commission to review the reasonableness of the rates or charges of a gas corporation, including review of the prudence of eligible infrastructure system replacements made by a gas corporation, pursuant to the provisions of section 386.390, RSMo.

11. The commission shall have authority to promulgate rules for the implementation of sections 393.1009 to 393.1015, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of sections 393.1009 to 393.1015. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a

rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Kennedy requested a division of the question asking that a vote first be taken on Sections 393.1000, 393.1003 and 393.1006 and that a second vote be taken on Sections 393.1009, 393.1012 and 393.1015, which request was granted.

Senator Goode moved that Part I be adopted, which motion prevailed.

Senator Goode moved that Part II be adopted, which motion prevailed on a standing division vote.

Senator Steelman offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 208, Page 16, Section 392.200, Line 13 of said page, by inserting after all of said line the following:

"393.015. 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation[, municipality, or public water supply district established under chapter 247, RSMo,] to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation[, municipality or public water supply district] is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation[, municipality or public water supply district] to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation[, municipality or public water supply district] shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer.

2. A water corporation[, municipality, or public water supply district] acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, [municipality, or public water supply district,] in which case the water corporation[, municipality, or public water supply district] shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation[, municipality or public water supply district] shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority.

393.018. 1. Notwithstanding any other provision of law to the contrary, any municipality providing water, or any water district established under the provisions of chapter 247, RSMo, shall upon request of any municipality providing sewer service or public sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, contract with such municipality or public sewer district to terminate water services to any customer premises for nonpayment of a sewer bill or establish combined billing for water and sewer services to any customer premises prior to the thirteenth day of May, 2005.

2. In the event that the aforesaid municipality, or water district and the aforesaid municipality or sewer district are unable to reach an agreement as herein provided then the municipality or sewer district making the written request, may file with the circuit court in which the municipality, or water district was incorporated or formed,

a petition requesting that three commissioners draft such an agreement.

3. Upon the filing of such petition, the party filing the petition shall include therein the name of one of the commissioners to be appointed by the court; the other party shall appoint one commissioner within thirty days of the service of the petition upon the second party. If the second party fails to appoint a commissioner within such a time period, the court shall appoint a commissioner on behalf of the second party within forty-five days of service of the petition upon the second party. Such two named commissioners shall agree to appoint a third commissioner within thirty days of the appointment of the second commissioner, but in the event that they fail to agree, the court shall appoint a third disinterested commissioner within forty-five days after appointment of the second commissioner.

4. The commissioners shall draft an agreement between the municipality or water district and the municipality or sewer district meeting the requirements set forth herein. Before drafting such agreement, the parties shall be given an opportunity to present evidence and information pertaining to such agreement at a hearing to be held by the commissioners. Each party shall receive fifteen days written notice of said hearing, however, at any time prior to the date of the hearing, either party may request an automatic thirty day extension by delivering notification in writing to the opposing party and the commissioners. The commissioners shall consider such evidence and information submitted to them and prepare such agreement as provided herein. The hearing may be continued from time to time at the discretion of the commissioners, until such time as both parties have had an opportunity to present evidence therein. Said agreement shall be submitted to the court within forty-five days of the completion of the hearing. The costs of said action shall be paid by the petitioning party, who shall also pay the reasonable costs of the commissioners, if any, as determined by the court.

5. If the court finds that such agreement meets the requirements of this section, then the court shall enter its judgment approving such agreement and order it to become effective not later than sixty days after the date of such judgment. Thereafter the parties shall abide by such agreement. If either party fails to do so, the other party may file an action to compel compliance. Venue shall be in the court issuing the judgment.

6. The judgment and order of the court shall be subject to an appeal as provided by law.

7. No such termination of water service may occur until thirty days after the municipality or sewer district sends a written notice to the customer, except that if the municipality or water district is performing a combined water and sewer billing service for the municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and the waiting period already used by the municipality or water district to disconnect water service for the nonpayment of the water bill. Acting pursuant to a contract, the municipality or public water supply district shall discontinue water service until such time as the customer pays the sewer charges and all related costs of termination and reestablishment of sewer and water services in full or payment arrangements have been accepted and approved by the municipality or sewer district.

8. Any municipality or water district disconnecting water services to collect a delinquent sewer charge at the written request of a municipality or sewer district pursuant to an agreement made under this section shall be absolutely immune from civil liability for damages or costs resulting from disconnection in accordance with the terms and conditions of such agreement.

9. Unless otherwise specified in the contract, all costs related to the termination and re-establishment of water service shall be reimbursed by the municipality or sewer district. Such reimbursement may include, but not be limited to, lost revenue and other reasonable expenses incurred as a result of such termination of water service. All costs paid the municipality or sewer district pursuant to the provisions of this section shall be charged to and paid by the customer whose service was terminated."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Childers assumed the Chair.

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 208, Page 5, Section 386.050, Lines 15-28, by striking said lines; and further amend said section, page 6, lines 1-6, by striking all of said lines.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 208, Page 10, Section 386.210, Line 18, by inserting after all of said line the following:

"386.374. Notwithstanding any other provision of this chapter to the contrary, the commission may consider ability to pay as a factor in setting utility rates and may establish programs for low-income residential utility customers to ensure affordable, reliable, and continuous service to such customers. In ordering such programs, the commission may require public utilities to provide information on the coordination of the program with other available low-income bill payment and energy conservation resources and the effects of the program on:

- (1) The percentage of income that participating households devote to energy bills;**
- (2) The number of service disconnections;**
- (3) Utility collection costs; and**
- (4) Customer payment behavior, arrearages and bad debt."; and**

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion failed.

Senator Griesheimer offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 208, Page 10, Section 386.210, Line 18, by inserting after all of said line the following:

"386.756. 1. Except by an affiliate, a utility may not engage in HVAC services, unless otherwise provided in subsection 7 or subsection 8 of this section.

2. No affiliate or utility contractor may use any vehicles, service tools, instruments, employees, or any other utility assets, the cost of which are recoverable in the regulated rates for utility service, to engage in HVAC services unless the utility is compensated for the use of such assets at cost to the utility.

3. A utility may not use or allow any affiliate or utility contractor to use the name of such utility to engage in HVAC services unless the utility, affiliate or utility contractor discloses, in plain view and in bold type on the same page as the name is used on all advertisements or in plain audible language during all solicitations of such services, a disclaimer that states the services provided are not regulated by the public service commission.

4. A utility may not engage in or assist any affiliate or utility contractor in engaging in HVAC services in a manner

which subsidizes the activities of such utility, affiliate or utility contractor to the extent of changing the rates or charges for the utility's regulated services above or below the rates or charges that would be in effect if the utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

5. Any affiliates or utility contractors engaged in HVAC services shall maintain accounts, books and records separate and distinct from the utility.

6. The provisions of this section shall apply to any affiliate or utility contractor engaged in HVAC services that is owned, controlled or under common control with a utility providing regulated utility service in this state or any other state.

7. A utility engaging in HVAC services in this state five years prior to August 28, 1998, may continue providing, to existing as well as new customers, the same type of services as those provided by the utility five years prior to August 28, 1998. **The provisions of this section only apply to the area of service which the utility was actually supplying service to on a regular basis prior to August 28, 1993. The provisions of this section shall not apply to any subsequently expanded areas of service made by a utility through either existing affiliates or subsidiaries or through affiliates or subsidiaries purchased after August 28, 1993, unless such services were being provided in the expanded area prior to August 28, 1993.**

8. The provisions of this section shall not be construed to prohibit a utility from providing emergency service, providing any service required by law or providing a program pursuant to an existing tariff, rule or order of the public service commission.

9. A utility that violates any provision of this section is guilty of a civil offense and may be subject to a civil penalty of up to twelve thousand five hundred dollars for each violation. **The attorney general may enforce the provisions of this section pursuant to any powers granted to him or her pursuant to any relevant provisions provided by Missouri statutes or the Missouri Constitution.**

10. Any utility claiming an exemption as provided in subsection 7 of this section shall comply with all applicable state and local laws, ordinances or regulations relating to the installation or maintenance of HVAC systems including all permit requirements. A continuing pattern of failure to comply with said requirements shall provide the basis for a finding by any court of competent jurisdiction or the public service commission that the utility has waived its claim of exemption pursuant to subsection 7 of this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 208, Page 10, Section 386.210, Line 18, by inserting after all of said line the following:

"386.370. 1. The commission shall, prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 1947, make an estimate of the expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and 393, RSMo, and shall also separately estimate the amount of such expenses directly attributable to such regulation of each of the following groups of public utilities: Electrical corporations, gas corporations, water corporations, heating companies and telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group.

2. The commission shall allocate to each such group of public utilities the estimated expenses directly attributable to the regulation of such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then assess the amount so allocated to each group of public utilities, subject to reduction as herein provided, to the public utilities in such group in proportion to their respective gross intrastate operating revenues during the preceding calendar year, except that the [total] **sum of the amount [so]** assessed to all such public utilities **pursuant to this section and the assessment rendered pursuant to section 386.720** shall not exceed [one-fourth] **twenty-four hundredths** of one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission.

3. The commission shall render a statement of such assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement, except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of said statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

4. The state treasurer shall credit such payments to a special fund, which is hereby created, to be known as "The Public Service Commission Fund", which fund, or its successor fund created pursuant to section 33.571, RSMo, shall be devoted solely to the payment of expenditures actually incurred by the commission and attributable to the regulation of such public utilities subject to the jurisdiction of the commission, as aforesaid. Any amount remaining in such special fund or its successor fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the commission in the succeeding fiscal year and shall be applied by the commission to the reduction of the amount to be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in proportion to the respective gross intrastate operating revenues of the respective groups during the preceding calendar year.

5. In order to enable the commission to make the allocations and assessments herein provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall file with the commission, within ten days after August 28, 1996, and thereafter on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public utility shall fail to file such statement within the time aforesaid the commission shall estimate such revenue which estimate shall be binding on such public utility for the purpose of this section.

386.720. 1. Beginning with the fiscal year commencing on July 1, 2003, the commission shall assess public utilities subject to the jurisdiction of the commission for an amount equal to the costs to be incurred by the public counsel reasonably attributable to the performance of duties pursuant to section 386.710. Such amount shall not exceed the amount appropriated for the office of the public counsel for the fiscal year commencing on July 1, 2002, as adjusted on July 1, 2003, and annually thereafter, by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers (CPI-U) for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. The commission shall assess such amount to the public utilities subject to the jurisdiction of the commission, subject to reduction as herein provided, in proportion to their respective gross intrastate operating revenues during the preceding calendar year. Any public utility subject to such assessment may recover its proportion of such assessment from customers and may list such recovery as a line item charge on such customers' bills. Customers subject to such a recovery charge shall be billed in proportion to their respective use of such utility's services. The total amount recovered from such customers in any year shall not exceed the utility's annual assessment.

2. The commission shall render annually a statement for the public counsel assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement; except that

any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of such statement, to wit: July fifteenth, October fifteenth, January fifteenth, and April fifteenth. Such statement shall be included with the statement for the assessment rendered pursuant to section 386.370, provided that the amount for the assessment pursuant to this section and the amount for the assessment pursuant to section 386.370 shall be listed as separate line item charges on such statement. The director of revenue shall remit such payments to the state treasurer.

3. The state treasurer shall credit payments received for the public counsel to a special fund, with is hereby created, to be known as the "Public Counsel Fund" with such fund to be subject to appropriation and devoted solely to the payment of expenditures actually incurred by the public counsel and attributable to the performance of duties pursuant to section 386.710. Notwithstanding the provisions of section 33.080, RSMo, any amount remaining in such special fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the public counsel in the succeeding fiscal year and shall be applied by the commission to the reduction of the amount to be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in proportion to the respective gross intrastate operating revenues of the respective groups during the preceding calendar year. Prior to May sixteenth of each year, the public counsel shall provide the commission with an estimate of the amount that will remain in the public counsel fund at the end of the fiscal year."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion failed.

Senator Kinder moved that SS for SCS for **HB 208**, as amended, be adopted.

Senator Bray raised the point of order that SS for SCS for **HB 208**, as amended, is out of order, as it goes beyond the scope of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Kinder moved that SS for SCS for **HB 208**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, SS for SCS for **HB 208**, as amended, was read the third time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Coleman	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
	NAYS--Senators		
Bray	Clemens	Dolan	Jacob--4
	Absent--Senator Russell--1		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28

NAYS--Senators

Bray	Dolan	Jacob--3
	Absent--Senator Russell--1	
	Absent with leave--Senators	
DePasco	Klindt--2	

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 675**, entitled:

An Act to repeal sections 33.080, 166.300, 339.105, and 374.150, RSMo, and to enact in lieu thereof five new sections relating to certain special funds, with penalty provisions and an emergency clause and an effective date for a certain section.

With House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 1, Lines 12 and 13 of said amendment, by deleting the words "**six million fifteen thousand eight hundred and fifty-five dollars**" and inserting in lieu thereof the words "**seven million two hundred thousand dollars**".

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 675, Pages 2 and 3, Section 33.080, Lines 35 and 36, Lines 51 and 52, Lines 61 and 62, by deleting all of said lines and renumbering the subsection accordingly; and

Further amend said bill, Page 3, Section 33.080, Line 72, by deleting the words "**after the effective date of this act**" and inserting in lieu thereof the words "**before October 1, 2003**"; and

Further amend said bill, Page 4, Section 42.252, Line 1, by deleting the number "**42.252**" and inserting in lieu thereof the number "**43.252**";

Further amend said bill, Page 8, Section 374.150, Lines 18 and 19, by deleting the words "**fifty-five percent of the**

balance" and inserting in lieu thereof the words "**six million fifteen thousand eight hundred and fifty-five dollars**"; and

Further amend the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, as amended, and grants the Senate a conference thereon and the conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, as amended. Representatives Smith 118, Dempsey, Rupp, Davis 122 and Haywood.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HCS** for **HB 228** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 555** and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 555**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 30**, entitled:

An Act to amend chapter 210, RSMo, by adding thereto two new sections relating to missing persons, with penalty provisions.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 30, Page 2, Section 210.1014, Line 10, by inserting after the word "of" the following: "**ten members of which**"; and

Further amend Line 10, by inserting at the end of said line the following: "**shall be**".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute Senate Bill No. 30, Section 210.1012, Line 1, Page 1, by inserting before all of said line the following:

"43.400. As used in sections 43.400 to 43.410, the following terms mean:

- (1) "Missing child" or "missing juvenile", any person who is under the age of seventeen years, whose temporary or permanent residence is in the state of Missouri or who is believed to be within the state of Missouri, whose location has not been determined, and who has been reported as missing to a law enforcement agency;
- (2) "Missing child report", a report prepared on a standard form supplied by the Missouri state highway patrol for the use by private citizens and law enforcement agencies to report missing children or missing juvenile information to the Missouri state highway patrol;
- (3) "Missing person", a person who is missing and meets one of the following characteristics:
 - (a) Is physically or mentally disabled to the degree that the person is dependent upon an agency or another individual;
 - (b) [Was or is in the company of another person] **Is missing** under circumstances indicating that the missing person's safety may be in danger;
 - (c) Is missing under [circumstances indicating that the disappearance was not voluntary] **involuntary or unknown circumstances; subject to the provisions of (a), (b), (d), (e), and (f) of this subsection;**
 - (d) Is a child or juvenile runaway from the residence of a parent [or] , legal guardian, **or custodian;**
 - (e) **Is a child and is missing under circumstances indicating that the person was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order and fourteen or more days have elapsed, during which time the party has failed to file any pleading with the court seeking modification of the permanent or temporary court order;**
 - (f) **Is missing under circumstances indicating that the person was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order and there are reasonable grounds to believe that the person may be taken outside of the United States;**
- (4) "Patrol", the Missouri state highway patrol;
- (5) "Registrar", the state registrar of vital statistics."; and

Further amend said title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 39**, entitled:

An Act to repeal sections 195.211, 195.417, and 650.105, RSMo, and to enact in lieu thereof seven new sections relating to methamphetamine, with penalty provisions.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 39, Page 2, Section 195.417, Line 17 of said page, by deleting the word "**six**" and by inserting in lieu thereof the word "**ten**"; and

Further amend said Section, Page 2, Line 22 of said Page, by inserting after the word "**regulations**" the following: "**passed on or after April 15, 2003,**"; and

Further amend said bill, Page 5, Section 650.350, Line 49, by inserting after said line the following:

"Section 1. In any case where there is a violation of Chapter 195, RSMo, a judge may, upon a finding of guilt, order a defendant to pay for costs for testing of the substances at a private laboratory."; and

Further amend said bill, by amending the title, enacting clause and sectional and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 39, Page 1, Section 195.211, Line 9 of said section, by inserting after the word "**university,**" the following: "**or on any school bus,**"; and

Further amend said Section, Line 10, by inserting immediately after said line the following:

"3. Knowledge of the existence or location of the public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university, or of the distance of the manufacture or production from said real property is not required for a person to be guilty of this offense."; and

Further amend said Bill, Page 1, Section 195.211, Lines 11 through 14, by renumbering the subsections accordingly; and

Further amend said Bill, Page 2, Section 195.215, Lines 1 through 6, by deleting said section; and

Further amend said Bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 39, Page 1, Section 195.211, Line 13, by inserting before the word "Any" the following:

"Notwithstanding subsection 2,"; and

Further amend said section, Line 13, by inserting after the word "to" the word "**growing**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 13**.

Bill ordered enrolled.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341 and 420**, as amended: Senators Gross, Russell, Scott, Quick and Goode.

President Maxwell assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 598, with **SCS**, introduced by Representative Schlottach, et al, entitled:

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to special license plates.

Was called from the Informal Calendar and taken up by Senator Dolan.

SCS for **HB 598**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 598

An Act to repeal sections 301.130, 301.132, 301.141, 301.142, 301.144, 301.456, 301.463, 301.3098, 301.4000, and 643.315, RSMo, section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 & 783, ninetieth general assembly, first regular session, section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate bill no. 19, ninetieth general assembly, first regular session, and sections 307.366 and 643.315 as truly agreed to and finally passed by senate bill no. 54, ninety-second general assembly, first regular session, and to enact in lieu thereof thirty-one new sections relating to motor vehicle registration, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Dolan moved that **SCS** for **HB 598** be adopted.

Senator Dolan offered **SS** for **SCS** for **HB 598**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 598

An Act to repeal sections 301.130, 301.132, 301.141, 301.142, 301.144, 301.456, 301.463, 301.3098, 301.4000, and 643.315, RSMo, section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 & 783, ninetieth general assembly, first regular session, section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate bill no. 19, ninetieth general assembly, first regular session, and sections 307.366 and 643.315 as truly agreed to and finally passed by senate bill no. 54, ninety-second general assembly, first regular session, and to enact in lieu thereof thirty-one new sections relating to motor vehicle registration, with penalty provisions and an effective date for certain sections.

Senator Dolan moved that **SS** for **SCS** for **HB 598** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 598, Page 66, Section 304.601, Line 14, by inserting after all of said line the following:

"307.125. **1.** Any person who shall place or drive or cause to be placed or driven, upon or along any state or supplementary state highway of this state any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a

red reflecting device of not less than three inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons there shall be no less than seven of such buttons covering an area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred feet.

2. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half hour before sunrise shall have at least one light flashing at all times the vehicle is on any highway of this state. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred feet. Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

3. Any person operating an animal-driven vehicle during the hours between sunset and one-half hour before sunrise may, in lieu of the requirements of subsection 2 of this section, use lamps or lanterns complying with the rules promulgated by the director of the department of public safety.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

307.127. 1. No person shall operate on any public highway of this state any slow-moving vehicle or equipment after sunset to one-half hour before sunrise, any animal-drawn vehicle, or any other machinery, designed for use or normally operated at speeds less than twenty-five miles per hour, including all road construction or maintenance machinery except when engaged in actual construction or maintenance work either guarded by a flagman or clearly visible warning signs, which normally travels or is normally used at a speed of less than twenty-five miles per hour unless there is displayed on the rear thereof an emblem as described in, and displayed as provided in subsection 2 in this section. The requirement of such emblem shall be in addition to any lighting devices required by section 307.115.

2. The emblem required by subsection 1 of this section shall be of substantial construction, and shall be a basedown equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of not less than fourteen inches and an altitude of not less than twelve inches. Such triangle shall be bordered with reflective red strips having a minimum width of one and three-fourths inches, with the vertices of the overall triangle truncated such that the remaining altitude shall be a minimum of fourteen inches. Such emblem shall be mounted on the rear of such vehicle near the horizontal geometric center of the rearmost vehicle at a height of not less than four feet above the roadway, and shall be maintained in a clean, reflective condition. The provisions of this section shall not apply to any vehicle or equipment being operated on a gravel or dirt surfaced public highway.

3. Any person who shall violate the provisions of this section shall be guilty of an infraction.

4. No emblem shall be required on machinery or equipment pulled or attached to a farm tractor providing the machinery or equipment does not extend more than twelve feet to the rear of the tractor and permits a clear view of the emblem on the tractor by vehicles approaching from the rear.

5. Any person operating an animal-drawn vehicle on any public highway of this state may, in lieu of displaying the emblem required by subsections 1 and 2 of this section, equip the animal-drawn vehicle with reflective material complying with rules and regulations promulgated by the director of the department of public safety. The reflective material shall be visible from a distance of not less than five hundred feet to the rear when illuminated by the lower beams of vehicle headlights. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if

it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 598, Page 61, Section 301.3144, Line 14, by inserting after all of said line the following:

"301.3145. 1. Any member of the National Rifle Association, after an annual payment of an emblem-use authorization fee to the National Rifle Association, may receive special license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The National Rifle Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Rifle Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Rifle Association. Any member of the National Rifle Association may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the National Rifle Association, that organization shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the National Rifle Association and the words "The Right to Keep and Bear Arms Shall Not Be Infringed" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner who was previously issued a plate with the National Rifle Association emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the organization's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 598, Page 3, Section 41.033, Line 8 of said page, by inserting after all of said line the following:

"301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

- (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of [six hundred] **one thousand** pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, **or with a seat designed to carry more than one person**, and handlebars for steering control;
- (2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;
- (3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;
- (4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;
- (5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;
- (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;
- (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;
- (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;
- (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- (10) "Director" or "director of revenue", the director of the department of revenue;
- (11) "Driveaway operation", the movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
- (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;
- (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;
- (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;
- (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

(19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

(21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

(22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

(23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

(24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of twenty-five miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

(25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a fifty-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, does not have more than four axles and does not pull a trailer which has more than two axles. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(28) "Log truck", a vehicle which is not a local log truck and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(29) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

- (30) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;
- (31) "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;
- (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;
- (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;
- (34) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:
- (a) Offered for hire or lease; or
 - (b) The owner of which also owns ten or more such motor vehicles;
- (35) "Motorcycle", a motor vehicle operated on two wheels;
- (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;
- (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;
- (38) "Municipality", any city, town or village, whether incorporated or not;
- (39) "Nonresident", a resident of a state or country other than the state of Missouri;
- (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;
- (41) "Operator", any person who operates or drives a motor vehicle;
- (42) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;
- (43) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;
- (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;
- (45) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- (46) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be

used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

(47) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

(48) "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a double saddlemount combination. When three vehicles are towed in this manner, the combination is called a triple saddlemount combination;

(49) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

(50) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it, or by an insurance company as a result of settlement of a claim for loss due to damage or theft; or a vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property";

(51) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

(52) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(53) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(54) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

(55) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(56) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(57) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(58) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010, RSMo;

(59) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(60) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional "A dolly" connected truck-tractor semitrailer-trailer combination;

(61) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(62) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

(63) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(65) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(66) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain."; and

Further amend said bill, Page 63, Section 301.4000, Line 14 of said page, by inserting after all of said line the following:

"304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010, RSMo, upon the highways of this state, except as follows:

(1) All-terrain vehicles owned and operated by a governmental entity for official use;

(2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;

(3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;

(4) Governing bodies of cities may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(5) Governing bodies of counties may issue special permits to licensed drivers for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate an off-road vehicle within any stream or river in this state, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

4. No persons shall operate an all-terrain vehicle:

(1) In any careless way so as to endanger the person or property of another;

(2) While under the influence of alcohol or any controlled substance;

(3) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age.

5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. **The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one person.**

6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 598, Page 1, Line 8 of said page, by inserting after all of said line the following:

"227.338. The portion of U.S. Highway 71, located within a county of the third classification without a township form of government and with more than twenty-one thousand six hundred but less than twenty-one thousand seven hundred inhabitants shall be designated the "Corporal Bobbie J. Harper Memorial Highway"."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 598, Page 74, Section 307.366, Line 5, by inserting after all of said line the following:

"407.1200. As used in sections 407.1200 to 407.1227, the following terms shall mean:

- (1) "Administrator", the person who is responsible for the administration of the service contracts or the service contracts plan and who is responsible for any filings required by sections 407.1200 to 407.1227;**
- (2) "Consumer", a natural person who buys other than for purposes of resale any motor vehicle that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or research purposes;**
- (3) "Director", the director of the department of insurance;**
- (4) "Maintenance agreement", a contract of limited duration that provides for scheduled maintenance only;**
- (5) "Manufacturer", a person that:**
 - (a) Manufacturers or produces the property and sells the property under its own name or label;**
 - (b) Is a wholly owned subsidiary of the person who manufacturers or produces the property;**
 - (c) Is a corporation which owns one hundred percent of the person who manufacturers or produces the property;**
 - (d) Does not manufacture or produce the property, but the property is sold under its trade name label;**
 - (e) Manufacturers or produces the property and the property is sold under the trade name or label of another person; or**
 - (f) Does not manufacture or produce the property but, pursuant to a written contract, licenses the use of its trade name or label to another person that sells the property under the licensor's trade name or label;**
- (6) "Mechanical breakdown insurance", a policy, contract or agreement issued by an authorized insurer that provides for the repair, replacement or maintenance of a motor vehicle or indemnification for repair, replacement or service, for the operational or structural failure of a motor vehicle due to a defect in materials or workmanship;**
- (7) "Motor vehicle extended service contract" or "service contract", a contract or agreement for a separately stated consideration or for a specific duration to perform the repair, replacement, or maintenance of a motor vehicle or indemnification for repair, replacement or maintenance, for the operational or structural failure due to a defect in materials, workmanship or normal wear and tear, with or without additional provision for incidental payment of indemnity under limited circumstances, including, but not limited to, towing, rental and emergency road service, but does not include mechanical breakdown insurance or maintenance agreements;**
- (8) "Non-original manufacturer's parts", replacement parts not made for or by the original manufacturer of the property, commonly referred to as "after market parts";**

(9) "Person", an individual, partnership, corporation, incorporated or unincorporated association, joint stock company, reciprocal, syndicate or any similar entity or combination of entities acting in concert;

(10) "Premium", the consideration paid to an insurer for a reimbursement insurance policy;

(11) "Provider", a person who administers, issues, makes, provides, sells, or offers to sell a motor vehicle extended service contract, or who is contractually obligated to provide service under a motor vehicle extended service contract such as sellers, administrators, and other intermediaries;

(12) "Provider fee", the consideration paid for a service contract in excess of the premium;

(13) "Reimbursement insurance policy", a policy of insurance issued to a provider and pursuant to which the insurer agrees, for the benefit of the service contract holders, to discharge all of the obligations and liabilities of the provider under the terms of the service contracts in the event of non-performance by the provider. All obligations and liabilities include, but are not limited to, failure of the provider to perform under the service contract and the return of the unearned provider fee in the event of the provider's unwillingness or inability to reimburse the unearned provider fee in the event of termination of a service contract;

(14) "Service contract holder" or "contract holder", a person who is the purchaser or holder of a services contract;

(15) "Warranty", a warranty made solely by the manufacturer, importer or seller of property or services without charge, that is not negotiated or separated from the sale of the product and is incidental to the sale of the product, that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor or other remedial measures, such as repair or replacement of the property or repetition of services.

407.1203. 1. Service contracts shall not be issued, sold, or offered for sale in this state unless the administrator or its designee has:

(1) Provided a receipt for the purchase of the service contract to the contract holder at the date of purchase;

(2) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase; and

(3) Complied with the provisions of sections 407.1200 to 407.1227.

2. All administrators of service contracts sold in this state shall file a registration with the director on a form, at a fee and at a frequency prescribed by the director.

3. In order to assure the faithful performance of a provider's obligations to its contract holders, each provider who is contractually obligated to provide service under a service contract shall:

(1) Insure all service contracts under a reimbursement insurance policy issued by an insurer authorized to transact insurance in this state; or

(2) (a) Maintain a funded reserve account for its obligation under its contracts issued and outstanding in this state. The reserves shall not be less than forty percent of gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts. The reserve account shall be subject to examination and review by the director; and

(b) Place in trust with the director a financial security deposit, having a value of not less than five percent of the gross consideration received, less claims paid, on the sale of the service contract for all service contracts issued and in force, but not less than twenty-five thousand dollars, consisting of one of the following:

a. A surety bond issued by an authorized surety;

- b. Securities of the type eligible for deposit by authorized insurers in this state;
- c. Cash;
- d. A letter of credit issued by a qualified financial institution; or
- e. Another form of security prescribed by regulations issued by the director; or

(3) (a) Maintain a net worth of one hundred million dollars; and

(b) Upon request, provide the director with a copy of the provider's or, if the provider's financial statements are consolidated with those of its parent company, the provider's parent company's most recent Form 10-K filed with the Securities and Exchange Commission (SEC) within the last calendar year, or if the company does not file with the SEC, a copy of the company's audited financial statements, which shows a net worth of the provider or its parent company of at least one hundred million dollars. If the provider's parent company's Form 10-K or audited financial statements are filed to meet the provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the obligor relating to service contracts sold by the provider in this state.

4. Provider fees collected on service contracts shall not be subject to premium taxes. Premiums for reimbursement insurance policies shall be subject to applicable premium taxes.

5. Except for the registration requirement in subsection 2 of this section, persons marketing, selling, or offering to sell service contracts for providers that comply with sections 407.1200 to 407.1227 are exempt from this state's licensing requirements.

6. Providers complying with the provisions of sections 407.1200 to 407.1227 are not required to comply with other provisions of chapters 374 or 375, or any other provisions governing insurance companies.

407.1206. Reimbursement insurance policies insuring service contracts issued, sold, or offered for sale in this state shall conspicuously state that, upon failure of the provider to perform under the contract, such as failure to return the unearned provider fee, the insurer that issued the policy shall pay on behalf of the provider any sums the provider is legally obligated to pay or shall provide the service which the provider is legally obligated to perform according to the provider's contractual obligations under the service contracts issued or sold by the provider.

407.1209. 1. Service contracts issued, sold, or offered for sale in this state shall be written in clear, understandable language and the entire contract shall be printed or typed in easy to read ten point type or larger and conspicuously disclose the requirements in this section, as applicable.

2. Service contracts insured under a reimbursement insurance policy pursuant to subsection 3 of section 407.1203 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are guaranteed under a service contract reimbursement insurance policy. If the provider fails to pay or provide service on a claim within sixty days after proof of loss has been filed, the contract holder is entitled to make a claim directly against the insurance company." A claim against the provider shall also include a claim for return of the unearned provider fee. The service contract shall also conspicuously state the name and address of the insurer.

3. Service contracts not insured under a reimbursement insurance policy pursuant to subsection 3 of section 407.1203 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are backed only by the full faith and credit of the provider (insurer) and are not guaranteed under a service contract requirement insurance policy." A claim against the provider shall also include a claim for return of the unearned provider fee. The service contract shall also conspicuously state the name and address of the provider.

- 4. Service contracts shall identify any administrator, the provider obligated to perform the service under the contract, the service contract seller, and the service contract holder to the extent that the name and address of the service contract holder has been furnished by the service contract holder.**
 - 5. Service contracts shall conspicuously state the total purchase price and the terms under which the service contract is sold. The purchase price is not required to be pre-printed on the service contract and may be negotiated at the time of sale with the service contract holder.**
 - 6. If prior approval of repair work is required, the service contracts shall conspicuously state the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service and a procedure for obtaining emergency repairs performed outside of normal business hours.**
 - 7. Service contracts shall conspicuously state the existence of any deductible amount.**
 - 8. Service contracts shall specify the merchandise and services to be provided and any limitations, exceptions, and exclusions.**
 - 9. Service contracts shall state the conditions upon which the use of non-original manufacturer's parts, or substitute service, may be allowed. Conditions stated shall comply with applicable state and federal laws.**
 - 10. Service contracts shall state any terms, restrictions, or conditions governing the transferability of the service contract.**
 - 11. Service contracts shall state the terms, restrictions, or conditions governing termination of the service contract by the service contract holder. The provider of the service contract shall mail a written notice to the contract holder within fifteen days of the date of termination.**
 - 12. Service contracts shall require every provider to permit the service contract holder to return the contract within at least fifteen business days if the service contract is delivered at the time of sale or within a longer time period permitted under the contract. If no claim has been made under the contract, the contract is void and the provider shall refund to the contract holder the full purchase price of the contract. A ten percent penalty per month shall be added to a refund that is not paid within thirty days of return of the contract to the provider. The applicable free-look time periods on service contracts shall only apply to the original service contract purchaser.**
 - 13. Service contracts shall set forth all of the obligations and duties of the service contract holder, such as the duty to protect against any further damage and the requirement for certain service and maintenance.**
 - 14. Service contracts shall clearly state whether or not the service contract provides for or excludes consequential damages or preexisting conditions.**
- 407.1212. 1. A provider shall not use in its name the words insurance, casualty, guaranty, surety, mutual, or any other words descriptive of the insurance, casualty, guaranty, or surety business; or a name deceptively similar to the name or description of any insurance or surety corporation, or any other provider. This section shall not apply to a company that was using any of the prohibited language in its name prior to August 28, 2003. However, a company using the prohibited language in its name shall conspicuously disclose in its service contract the following statement: "This agreement is not an insurance contract."**
- 2. A provider or its representative shall not in its service contracts or literature make, permit, or cause to be made any false or misleading statement, or deliberately omit any material statement that would be considered misleading if omitted, in connection with the sale, offer to sell or advertisement of a service contract.**
 - 3. A person, such as a bank, savings and loan association, lending institution, manufacturer or seller of any product, shall not require the purchase of a service contract as a condition of a loan or a condition for the sale of any property.**

407.1215. 1. An administrator, provider, or other intermediary shall keep accurate accounts, books, and records concerning transactions regulated by sections 407.1200 to 407.1227.

2. An administrator's, provider's, or other intermediary's accounts, books, and records shall include:

(1) Copies of each type of service contract issued;

(2) The name and address of each service contract holder to the extent that the name and address have been furnished by the service contract holder;

(3) A list of the provider locations where service contracts are marketed, sold, or offered for sale; and

(4) Claims files which shall contain at least the dates, amounts, and description of all receipts, claims, and expenditures related to the service contracts.

3. Except as provided in this section, an administrator shall retain all records pertaining to each service contract holder for at least three years after the specified period of coverage has expired.

4. An administrator, provider, or other intermediary may keep all records required pursuant to sections 407.1200 to 407.1227 on a computer disk or other similar technology. If an administrator maintains records in other than hard copy, records shall be accessible from a computer terminal available to the director and be capable of duplication to legible hard copy.

5. An administrator, provider, or other intermediary discontinuing business in this state shall maintain its records until it furnishes the commissioner satisfactory proof that it has discharged all obligations to contract holders in this state.

6. An administrator, provider, or other intermediary shall make all accounts, books, and records concerning transactions regulations pursuant to sections 407.1200 to 407.1227 or other pertinent laws available to the director upon request.

407.1218. As applicable, an insurer that issued a reimbursement insurance policy shall not terminate the policy until a notice of termination, in a form and time frame prescribed by the director, has been mailed or delivered to the director. The termination of a reimbursement insurance policy shall not reduce the issuer's responsibility for service contracts issued by providers prior to the date of the termination.

407.1221. 1. Providers are considered to be the agent of the insurer which issued the reimbursement insurance policy. In cases where a provider is acting as an administrator and enlists other providers, the provider acting as the administrator shall notify the insurer of the existence and identities of the other providers.

2. The provisions of sections 407.1200 to 407.1227 shall not prevent or limit the right of an insurer which issued a reimbursement insurance policy to seek indemnification or subrogation against a provider if the insurer pays or is obligated to pay the service contract holder sums that the provider was obligated to pay pursuant to the provisions of the service contract or under a contractual agreement.

407.1224. 1. The director may conduct investigations or examinations of providers, administrators, insurers, or other persons to enforce the provisions of sections 407.1200 to 407.1227 and protect service contract holders in this state.

2. The director may take action which is necessary or appropriate to enforce the provisions of sections 407.1200 to 407.1227 and the director's regulations and orders, and to protect service contract holders in this state.

3. The director may order a service contract provider to cease and desist from committing violations of sections 407.1200 to 407.1227 or the director's regulations or orders, may issue an order prohibiting a service contract provider from selling or offering for sale service contracts, or may issue an order imposing a civil penalty, or

any combination of these, if the provider has violated the provisions of sections 407.1200 to 407.1227 or the director's regulations or orders.

4. A person aggrieved by an order pursuant to this section may request a hearing before the director. The hearing request shall be filed with the director within twenty days of the date the director's order is effective.

5. Pending the hearing and the decision by the director, the director shall suspend the effective date of the order. At the hearing, the burden shall be on the director to show why the order issued pursuant to this section is justified. Such hearing shall be held in accordance with the provisions of chapter 536, RSMo.

6. The director may bring an action in the circuit court of Cole county for an injunction or other appropriate relief to enjoin threatened or existing violations of sections 407.1200 to 407.1227 or of the director's orders or regulations. An action filed pursuant to this section may also seek restitution on behalf of persons aggrieved by a violation of sections 407.1200 to 407.1227 or orders or regulations of the director.

7. A person in violation of sections 407.1200 to 407.1227 or orders or regulation of the director may be assessed a civil penalty not to exceed one thousand dollars per violation.

8. The authority of the director pursuant to this section is in addition to other authority of the director.

407.1225. The director may promulgate rules to effectuate sections 407.1200 to 407.1224. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

407.1227. 1. The provisions of sections 407.1200 to 407.1224 shall not apply to:

(1) Warranties;

(2) Maintenance agreements;

(3) Commercial transactions; and

(4) Service contracts sold or offered for sale to persons other than consumers.

2. Manufacturer's contracts on the manufacturer's products need only comply with the provisions of sections 407.1209, 407.1212, and 407.1224."; and

Further amend said bill, Page 90, Section B, Line 16, by inserting after all of said line the following:

"Section C. The enactment of sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227 shall become effective January 1, 2007."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 598, Page 31, Section 301.144, Line 19 of said page, by inserting after all of said line the following:

"301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, proof of a motor vehicle safety inspection and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026, RSMo[;

(3) For those motor vehicles owned by a person who resides in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who chooses biennial registration pursuant to this section and who does not submit proof of an emission inspection pursuant to section 643.315, RSMo, but instead submits proof of an emission inspection pursuant to section 307.366, RSMo, the director of the department of revenue shall issue a motor vehicle registration tab valid only for one year. The year following issuance to a person of a motor vehicle registration tab valid only for one year, the director or the director's authorized designee shall, upon notification of any such person's completed emission inspection pursuant to section 307.366, RSMo, by the department of natural resources or its designee, without further application or proof issue such person an additional motor vehicle registration tab valid for the remaining biennial period].

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period."; and

Further amend said bill, Page 74, Section 307.366, Line 5 of said page, by inserting after all of said line the following:

"643.310. 1. The commission may, by rule, establish a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, except that the commission may establish a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 in such county only for motor vehicles owned by residents of such county who have chosen to [have a biennial motor vehicle registration pursuant to section 301.147, RSMo, if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305] **participate in such a program in lieu of the provisions of section 307.366, RSMo.** The commission shall ensure that, for each nonattainment area, the state implementation plan established pursuant to subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like

designation in other states. The commission shall ensure that emission reduction amounts established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder. The air conservation commission shall request and it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action challenging the authority of the United States Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall seek to define the required emission reductions and the credits allowed for current and planned emission reductions measures. The air conservation commission shall request and it shall be the duty of the attorney general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated pursuant to this section have been decided. Provisions of section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas designated by the commission pursuant to this section in lieu of the provisions of section 307.366, RSMo.

2. No later than the effective date of this section, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355.

3. (1) The department, with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. The number of locations shall be no less than the number needed to provide adequate service to customers and establish an emissions inspection program which satisfies the requirements of this section. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

4. The inspection program shall satisfy the following criteria:

(1) There shall be an adequate number of stations to ensure that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station, and consideration shall be given to employment, locations and commuting patterns when selecting the locations of the stations;

(2) There shall be an adequate number of inspection lanes at each facility so that no more than five percent of all persons having an inspection are required to wait more than fifteen minutes before the inspection begins;

(3) The days and daily hours of operation shall include at least those hours specified by the department, which shall include, at a minimum, twelve continuous hours of operation on all weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays excepting federal holidays;

(4) The emissions inspection program shall include a simulated on-road emissions inspection component, including pressure and purge tests, which satisfies the requirements established by regulation of the United States Environmental Protection Agency and may include a visual inspection component;

(5) The inspection stations shall be test-only stations and shall not offer motor vehicle emissions repairs, parts or services of any kind;

(6) No person operating or employed by an emissions inspection station shall repair or maintain motor vehicle emission systems or pollution control devices for compensation of any kind.

5. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program pursuant to this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program pursuant to this section.

6. With approval of the commission and pursuant to rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and pursuant to rules adopted by the commission, any person operating a fleet of five hundred or more motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established pursuant to this subsection shall be performed by a contractor selected by the commission pursuant to this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

7. Any person who owns Missouri analyzer system emission inspection equipment as defined by rule, used to provide emissions inspections pursuant to section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established pursuant to sections 643.300 to 643.355 may, within twelve months of the implementation of an emissions inspection program pursuant to sections 643.300 to 643.355, sell such equipment, to the department of natural resources at current market value as established by an independent appraisal provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall purchase such equipment using funds appropriated for that purpose from the Missouri air emission reduction fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri analyzer system emission inspection equipment used to provide emissions inspections pursuant to section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established pursuant to sections 643.300 to 643.355, and has made all payments required under the contract, may, within twelve months of the implementation of an emissions inspection program pursuant to sections 643.300 to 643.355, request the department of natural resources to take possession of such equipment and assume all payment obligations owed on such equipment which obligations are not in excess of one hundred and twenty-five percent of the current market value as established by an independent appraisal, provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall take possession of such equipment and pay such obligations using funds appropriated for that purpose from the Missouri air emission reduction fund.

8. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said

nonattainment areas subject to reformulated gasoline.

9. The governor, the department of natural resources, and the commission shall work to ensure an orderly transition period in the nonattainment area for the introduction of reformulated gasoline. Priority shall be given to ensure the petroleum refiners ample time to organize, structure, and implement both the production and the delivery of reformulated gasoline to the nonattainment area, so that consumers will see an orderly, seamless market substitution."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 598, Page 34, Section 301.463, Line 23 of said page, by inserting after all of said line the following:

"301.567. 1. For purposes of this section, a violation of any of the following advertising standards shall be deemed an attempt by the advertising dealer to obtain a fee or other compensation by fraud, deception or misrepresentation in violation of section 301.562:

(1) A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a "new motor vehicle" as defined in section 301.550;

(2) When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term "used", or by such other term as is commonly understood to mean that the vehicle is used;

(3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement;

(4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealership's inventory;

(5) The terms "list price", "sticker price", or "suggested retail price" shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the "manufacturer's suggested retail price" of the advertised vehicle;

(6) Terms such as "at cost", "\$..... above cost" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale[. Terms such as "invoice price", "\$..... over invoice" may be used, provided that the invoice referred to is the manufacturer's factory invoice for a new motor vehicle and the invoice is available for customer inspection. For purposes of this section, "manufacturer's factory invoice" means that document supplied by the manufacturer to the dealer listing the manufacturer's charge to the dealer before any deduction for holdback, group advertising, factory incentives or rebates, or any governmental charges];

(7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, in advertisements placed by individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the dealer, except buyer-selected options and state and local taxes. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed within the advertisement;

(8) [Advertisements which offer to match or better any competitors' prices shall not be used;

(9)] Advertisements of "dealer rebates" shall not be used, however, this shall not be deemed to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates are clearly and conspicuously disclosed;

[(10)] **(9)** "Free", "at no cost" shall not be used if any purchase is required to qualify for the "free" item, merchandise, or service;

[(11)] **(10)** "Bait advertising", in which an advertiser may have no intention to sell at the prices or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the following examples:

(a) Not having available for sale the advertised motor vehicles at the advertised prices. If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such vehicles, and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, such limitations shall be stated in the advertisement;

(b) Advertising a motor vehicle at a specified price, including such terms as "as low as \$.....", but having available for sale only vehicles equipped with dealer-added cost options which increase the selling price above the advertised price;

[(12)] **(11)** Any reference to monthly payments, down payments, or other reference to financing or leasing information shall be accompanied by a clear and conspicuous disclosure of the following:

(a) Whether the payment or other information relates to a financing or a lease transaction;

(b) If the payment or other information relates to a financing transaction, the minimum down payment, annual percentage interest rate, and number of payments necessary to obtain the advertised payment amount must be disclosed, in addition to any special qualifications required for obtaining the advertised terms including, but not limited to, "first-time buyer" discounts, "college graduate" discounts, and a statement concerning whether the advertised terms are subject to credit approval;

(c) If the payment or other information relates to a lease transaction, the total amount due from the purchaser at signing with such costs broken down and identified by category, lease term expressed in number of months, whether the lease is closed-end or open-end, and total cost to the lessee over the lease term in dollars;

[(13)] **(12)** Any advertisement which states or implies that the advertising dealer has a special arrangement or relationship with the distributor or manufacturer, as compared to similarly situated dealers, shall not be used;

[(14)] **(13)** Any advertisement which, in the circumstances under which it is made or applied, is false, deceptive, or misleading shall not be used;

[(15)] **(14)** No abbreviations for industry words or phrases shall be used in any advertisement unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

2. The requirements of this section shall apply regardless of whether a dealer advertises by means of print, broadcast, or electronic media, or direct mail.

3. Dealers shall clearly and conspicuously identify themselves in each advertisement by use of a dealership name which complies with subsection 6 of section 301.560."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **HB 598**, as amended, be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **HB 598**, as amended, be read the 3rd time and finally passed.

Senator Dolan was recognized to close.

President Pro Tem Kinder referred **SS** for **SCS** for **HB 598**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 322** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Gibbons, the Senate recessed until 5:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 517, 94, 149, 150 and 342**, with **SCS**, entitled:

An Act to repeal section 208.565, RSMo, and to enact in lieu thereof two new sections relating to stabilization of income for the elderly, with an emergency clause for a certain section.

Was called from the Informal Calendar and taken up by Senator Gross.

SCS for **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 517, 94, 149, 150 and 342

An Act to repeal section 208.565, RSMo, and to enact in lieu thereof two new sections relating to stabilization of income for the elderly, with an emergency clause and an effective date for a certain section.

Was taken up.

Senator Gross moved that **SCS** for **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342** be adopted.

Senator Gross offered **SS** for **SCS** for **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 517, 94, 149, 150 and 342

An Act to repeal section 208.565, RSMo, and to enact in lieu thereof two new sections relating to stabilization of

income for the elderly, with an emergency clause and an effective date for a certain section.

Senator Gross moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 517, 94, 149, 150 and 342, Page 3, Section 137.106, Lines 2-3 of said page, by striking the following: "taxing authority" and inserting in lieu thereof the following: "**county assessor**"; and

Further amend section, Page 4, Line 27 of said page, by striking "credit" and inserting in lieu thereof the following: "**send**"; and further amend Line 29 of said page, by striking "treasury" and inserting in lieu thereof the following: "**collector**"; and

Further amend said bill and section, Page 5, Line 6, by striking the following: "in the treasury" and inserting in lieu thereof the following: "**with the collector**".

Senator Gross moved that the above amendment be adopted.

Senator Goode offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 517, 94, 149, 150 and 342, Pages 1-6, Section 137.106, by striking all of said section from the bill and inserting in lieu thereof the following:

"135.037. As used in sections 135.037 to 135.083, the following terms shall mean:

(1) "Department", the department of revenue;

(2) "Director", the director of revenue;

(3) "Equity interest", the difference between the true value in money of the property as determined by the county assessor's office and the total of:

(a) All debts from mortgage liens, deeds of trust or security interests which are recorded or noted on a certificate of title prior to January first of the current tax year; and

(b) Accumulated deferred taxes;

(4) "Homestead", the owner occupied principal dwelling, either real or personal property, owned by the taxpayer and the land surrounding it as it is reasonably necessary for use of the dwelling as a home, not to exceed five acres. If the homestead is located in a multi-unit building, the homestead is the portion of the building actually used as the principal dwelling and its percentage of the value of the common elements and of the value of the property upon which it is built. The percentage is the value of the unit consisting of the homestead compared to the total value of the building exclusive of the common elements, if any. If the homestead is located on a farm, the homestead consists of the dwelling house, appurtenances, and the land used in connection therewith, not to exceed five acres;

(5) "Household", all persons residing in a single dwelling whether related or not;

(6) "Household income", the combined federal adjusted gross income of all members of the household, whether filing jointly or individually;

(7) "Maximum upper limit", thirty-two thousand dollars;

(8) "Tax-deferred property", the property upon which taxes are deferred pursuant to sections 135.037 to 135.083;

(9) "Taxes" or "property taxes", ad valorem taxes, assessments, fees and charges entered on the assessment and tax roll;

(10) "Taxpayer", an individual who has filed a claim for deferral pursuant to section 135.039 or individuals who have jointly filed a claim for deferral pursuant to section 135.039.

135.039. 1. An individual, or two or more individuals jointly, may elect to defer the property taxes on their homestead by filing a claim for deferral with the county clerk after January first and on or before October fifteenth of the first year in which deferral is claimed if the individual, or, in the case of two or more individuals filing a claim jointly, the older individual, is sixty-two years of age or older on October fifteenth of the year in which the claim is filed.

2. In order to make the election described in subsection 1 of this section, the individual must have, or in case of two or more individuals filing a claim jointly, all of the individuals together must have household income for the calendar year immediately preceding the calendar year in which the claim is filed of less than the maximum upper limit.

3. The county clerk shall forward each claim filed pursuant to this section to the director of revenue which shall determine if the property is eligible for deferral.

4. When the taxpayer elects to defer property taxes for any year by filing a claim for deferral pursuant to subsection 1 of this section, it shall have the effect of:

(1) Deferring the payment of the property taxes levied on the homestead for the year beginning on January first of such year;

(2) Continuing the deferral of the payment by the taxpayer of any property taxes deferred pursuant to section 135.037 to 135.083 for previous years which have not become delinquent pursuant to section 135.061;

(3) Continuing the deferral of the payment by the taxpayer of any future property taxes for as long as the provisions of section 135.041 are met.

5. If a guardian or conservator has been appointed for an individual otherwise qualified to obtain deferral of taxes pursuant to sections 135.037 to 135.083, the guardian or conservator may act for such individual in complying with the provisions of sections 135.037 to 135.083.

6. If a trustee of an inter vivos trust which was created by and is revocable by an individual, who is both the settlor and a beneficiary of the trust and who is otherwise qualified to obtain a deferral of taxes pursuant to sections 135.037 to 135.083, owns the fee simple estate under a recorded instrument of sale, the trustee may act for the individual in complying with the provisions of sections 135.037 to 135.083.

7. Nothing in this section shall be construed to require a spouse of an individual to file a claim jointly with the individual even though the spouse may be eligible to claim the deferral jointly with the individual.

8. Any person aggrieved by the denial of a claim for deferral of homestead property taxes or disqualification from deferral of homestead property taxes may appeal in the manner provided for denial of a claim pursuant to section 143.841, RSMo.

135.041. In order to qualify for tax deferral pursuant to sections 135.037 to 135.083, the property must meet all of the following requirements when the claim is filed and thereafter so long as the payment of taxes by the taxpayer is deferred:

- (1)** The property must be the homestead of the individual or individuals who file the claim for deferral, except for an individual required to be absent from the homestead by reason of health;
- (2)** The person claiming the deferral must, by himself or herself or together with his or her spouse, own the fee simple estate or be purchasing the fee simple estate under a recorded instrument of sale, or two or more persons must together own or be purchasing the fee simple estate with rights of survivorship under a recorded instrument of sale if all owners live in the homestead and if all owners apply for the deferral jointly;
- (3)** There must be no prohibition to the deferral of property taxes contained in any provision of federal law, rule or regulation applicable to a mortgage, trust deed, land sale contract or conditional sale contract for which the homestead is security;
- (4)** The equity interest in the homestead is a positive number equal to or exceeding ten percent of the true value in money of the homestead;
- (5)** The person claiming the deferral must, by himself or herself or together with his or her spouse, show proof of insurance at any time on the homestead in an amount equal to or exceeding the market value as provided in the most recent tax bill of the homestead, to the director of revenue, and the insurance must be kept in place as long as deferral pursuant to sections 135.037 to 135.083 is maintained.

135.043. 1. A taxpayer's claim for deferral pursuant to section 135.039 shall be in writing on a form supplied by the department and shall:

- (1)** Describe the homestead;
- (2)** Recite facts establishing the eligibility for the deferral pursuant to the provisions of sections 135.037 to 135.083, including facts that establish that the household income of the individual, or individuals in the household, was, for the calendar year immediately preceding the calendar year in which the claim is filed, less than the amount required pursuant to section 135.039;
- (3)** Have attached any documentary proof required by the director to show that the requirements of sections 135.037 to 135.083 have been met.

2. The claim shall be in the form of an affidavit verifying that the statements contained in the claim are true.

135.045. 1. If eligibility for deferral of homestead property is established as provided in section 135.037 to 135.083, the director of revenue shall notify the county assessor or collector who shall show on the current ad valorem assessment and tax roll which property is tax-deferred property by an entry clearly designating such property as tax-deferred property.

2. When requested by the director, the tax collector shall send to the director, as soon as the taxes are extended upon the roll, the tax statement for each tax-deferred property.

3. Interest shall accrue on the actual amount of taxes advanced to the county for the tax-deferred property at the rate of six percent per annum.

135.047. 1. In each county in which there is tax-deferred property, the director of revenue shall cause to be recorded in the mortgage records of the county, a list of tax-deferred properties of that county. The list shall contain a description of the property as listed on the assessment roll together with the name of the owner or owners listed thereon.

2. Except as provided in section 135.053, the recording of the tax-deferred properties pursuant to subsection 1 of this section is notice that the director claims a lien against those properties in the amount of the deferred taxes plus interest together with any fees paid to the county clerk in connection with the recording, release or satisfaction of the lien.

3. Notwithstanding any provisions of law to the contrary, the director shall not be required to pay any filing, indexing or recording fees to the county in connection with the recording, release or satisfaction of liens against tax-deferred properties of that county in advance or at the time entry is made.

135.049. 1. Upon determining the amount of deferred taxes on tax-deferred property for the tax year, the director shall pay to the respective county tax collectors an amount equivalent to the deferred taxes less two percent thereof. Payment shall be made from the account established pursuant to section 135.083.

2. The director shall maintain records for each deferred property and shall accrue interest only on the actual amount of taxes advanced to the county.

3. If only a portion of taxes are deferred pursuant to section 135.065, the director shall pay the portion that will be deferred for that year to the tax collector and shall provide a separate notice to the county assessor stating the amount of property taxes that the director is paying.

135.051. 1. On or before December fifteenth of each year, the director of revenue shall send a notice to each taxpayer who is qualified to claim deferral of property taxes for the current tax year. The notice shall:

(1) Inform the taxpayer that the property taxes have or have not been deferred in the current year;

(2) Show the total amount of taxes remaining deferred since initial application for deferral and the interest accruing therein to November fifteenth of the current year;

(3) Inform the taxpayer that voluntary payment of the deferred taxes may be made at any time to the director of revenue;

(4) Contain any other information that the director considers necessary to facilitate administration of the homestead deferral program.

2. The director shall give the notice required pursuant to subsection 1 of this section by an unsealed postcard or other form of mail sent to the residence address of the taxpayer as shown in the claim for deferral or as otherwise determined by the director to be the correct address of the taxpayer.

135.053. 1. At the time that the taxpayer elects to defer property taxes pursuant to sections 135.037 to 135.083 the director of revenue shall estimate the amount of property taxes that will be deferred for a period of five tax years beginning on or after January 1, 2003, or the year of deferral, whichever is later, and interest thereon. Thereafter, the director shall have a lien in the amount of the estimate. Every five years after filing the initial lien, the director shall file an additional lien for an estimate of the amount of property taxes that will be deferred for the next five years, and interest thereon. The liens provided in this subsection shall be considered part of the public record.

2. The liens created pursuant to subsection 1 of this section shall attach to the property to which the election to defer relates on January first of the first tax year in which the lien is filed.

3. The liens created pursuant to subsection 1 of this section in the amount of the estimate shall have the same priority as other real property tax liens except that the liens of mortgages, trust deeds or security interests which are recorded or noted on a certificate of title prior in time to the attachment of the liens for deferred taxes shall be prior to the liens for deferred taxes.

4. If during the period of tax deferment, the amount of taxes, interest and fees exceeds the estimate, the director

shall have a lien for the amount of the excess. The liens for the excess shall attach to the property on January first of the tax year in which the excess occurs. The lien for the excess shall have the same priority as other real property tax liens, except that the lien of mortgages, trust deeds or security interests recorded or noted on any certificate of title prior in time to the date that the director records an amendment to its estimate to reflect its lien for the excess shall be prior to the lien for the excess.

5. Notwithstanding the provisions of section 135.047, the notice of lien for deferred taxes recorded as provided in section 135.047 arising on or after January 1, 2003, shall list the amount of the estimate of deferred taxes, interest and fees made by the director pursuant to subsection 1 of this section and any amendment to the notice to reflect a lien for excess, as described pursuant to subsection 4 of this section, shall list the amount of the excess that the director claims as lien.

6. A lien created pursuant to this section may be foreclosed by the director pursuant to the law relating to foreclosure in civil suits or any other collection methods given the director of revenue. The court may award reasonable attorney fees to the prevailing party in a foreclosure action pursuant to this section.

7. Receipts from foreclosure proceedings shall be credited in the same manner as other repayments of deferred property taxes pursuant to section 135.083.

8. By means of voluntary payment made as provided pursuant to section 135.067, the taxpayer may limit the amount of the lien for deferred taxes created pursuant to this section. If the taxpayer desires that the limit be reflected in the records of the county, the taxpayer must request, subject to any rules adopted by the director, that the director cause a partial satisfaction of the lien to be recorded in the county. Upon receipt of such a request, the director shall cause a partial satisfaction, in the amount of the voluntary payment, to be so recorded. Nothing in this subsection shall affect the priority of the liens of the director, as originally created pursuant to subsections 1 and 4 of this section.

9. Nothing in this section shall affect any lien arising pursuant to sections 135.037 to 135.083 for taxes assessed before January 1, 2003.

135.059. Subject to section 135.063, all deferred property taxes, including accrued interest, become payable as provided in section 135.061 when:

(1) The taxpayer who claimed deferment of collection of property taxes on the homestead dies or, if there was more than one claimant, the survivor of the taxpayers who originally claimed deferment of collection of property taxes pursuant to section 135.039 dies;

(2) Except as provided in section 135.057, the property with respect to which deferment of collection of taxes is claimed is sold, or some person other than the taxpayer who claimed the deferment becomes the owner of the property;

(3) The tax-deferred property is no longer the homestead of the taxpayer who claimed the deferral, except in the case of a taxpayer required to be absent from such tax-deferred property by reason of health;

(4) The tax-deferred property, a manufactured structure or floating home, is moved out of the state.

135.061. 1. Whenever any of the circumstances listed in section 135.059 occurs:

(1) The deferral of taxes for the assessment year in which the circumstance occurs shall continue for such assessment year; and

(2) The amounts of deferred property taxes, including accrued interest, for all years shall be due and payable on the date of closing or the date of probate to the director of revenue, except as provided in subsection 3 of this section, section 135.063 and section 135.075.

2. Notwithstanding the provisions of subsection 1 of this section and section 135.075, when the circumstances occur listed in subsection 4 of section 135.059, the amount of deferred taxes shall be due and payable five days before the date of removal of the property from the state.

3. If the amounts falling due as provided in this section are not paid on the indicated due date, or as extended pursuant to section 135.075, such amounts shall be deemed delinquent as of that date and the property shall be subject to foreclosure as provided in section 135.053.

135.063. 1. Notwithstanding the provisions of section 135.059, when one of the circumstances listed in section 135.059 occurs, the spouse who was not eligible to or did not file a claim jointly with the taxpayer may continue the property in its deferred tax status by filing a claim within the time and in the manner provided pursuant to section 135.039 if:

(1) The spouse of the taxpayer is or will be sixty years of age or older not later than six months from the day the circumstance listed in section 135.059 occurs; and

(2) The property is the homestead of the spouse of the taxpayer and meets the requirements of subsection 2 of section 135.041.

2. A spouse who does not meet the age requirements of subsection 1 of this section but is otherwise qualified to continue the property in its tax-deferred status pursuant to subsection 1 of this section may continue the deferral of property taxes deferred for previous years by filing a claim within the time and in the manner provided pursuant to section 135.039. If a spouse eligible for and continuing the deferral of taxes previously deferred pursuant to this subsection becomes sixty-two years of age prior to October fifteenth of any year, the spouse may elect to continue the deferral of previous years' taxes deferred pursuant to this subsection and may elect to defer the current assessment year's taxes on the homestead by filing a claim within the time and in the manner provided pursuant to section 135.039. Thereafter, payment of the taxes levied on the homestead and deferred pursuant to this subsection and payment of taxes levied on the homestead in the current assessment year and in future years may be deferred in the manner provided in and subject to sections 135.037 to 135.083.

3. Notwithstanding that section 135.039 requires that a claim be filed no later than October fifteenth, if the director of revenue determines that good and sufficient cause exists for the failure of a spouse to file a claim pursuant to this section on or before October fifteenth, the claim may be filed within one hundred eighty days after notice of taxes due and payable pursuant to section 135.037 is mailed or delivered by the director to the taxpayer or taxpayers.

135.065. 1. Notwithstanding the provisions of section 135.039 or any other provision of sections 135.037 to 135.083, if the individual or, in the case of two or more individuals electing to defer property taxes jointly, all of the individuals together, or the spouse who has filed a claim pursuant to section 135.063, has household income that exceeds the maximum upper limit for the tax year that began in the previous calendar year, then for the tax year next beginning, the amount of taxes for which deferral is allowed shall be reduced by fifty cents for each dollar of household income in excess of the maximum upper limit or if that income exceeds the maximum upper limit by a factor of two, the property taxes shall not be deferred.

2. Prior to December first of each year, the director of revenue shall review returns filed pursuant to chapter 143, RSMo, to determine if subsection 1 of this section is applicable for a homestead for the tax year next beginning. If subsection 1 of this section is applicable, the director shall notify by mail the taxpayer or taxpayers electing deferral, and the taxes otherwise to be deferred for the tax year next beginning shall be reduced as provided in subsection 1 of this section or, if household income in excess of the maximum upper limit exceeds the maximum upper limit by a factor of two, the property taxes shall not be deferred.

3. If the taxpayer or taxpayers does not file a return for purposes of chapter 143, RSMo, and the director has reason to believe that the federal adjusted gross income of the taxpayer or taxpayers exceeds the maximum upper limit for the tax year that began in the previous calendar year, the director shall notify by mail the taxpayer or taxpayers electing deferral. If, within thirty days after the notice is mailed, the taxpayer or

taxpayers does not file a return pursuant to chapter 143, RSMo, or otherwise satisfy the director that household income does not exceed the maximum upper limit, the director shall again notify the taxpayer or taxpayers, and the taxes otherwise to be deferred for the tax year next beginning shall not be deferred.

4. Nothing in this section shall affect the continued deferral of taxes that have been deferred for tax years beginning prior to the tax year next beginning or the right to deferral of taxes for a tax year beginning after the tax year next beginning if subsection 1 of this section is not applicable for that tax year for the homestead.

5. If, after an initial determination pursuant to this section has been made by the director, upon audit or examination or otherwise, it is discovered that the taxpayer or taxpayers had household income in excess of the limitation provided pursuant to subsection 1 of this section, the director shall determine the amount of taxes deferred that should not have been deferred and give notice to the taxpayer or taxpayers of the amount of taxes that should not have been deferred. The provisions of chapter 143, RSMo, shall apply to a determination of the director pursuant to this section in the same manner as those provisions are applicable to an income tax deficiency. The amount of deferred taxes that should not have been deferred shall bear interest from the date paid by the director until paid at the rate of six percent. A deficiency shall not be assessed pursuant to this section if notice required pursuant to this section is not given to the taxpayer or taxpayers within three years after the date that the director has paid the deferred taxes to the county. Upon payment of the amount assessed as deficiency, and interest, the department shall execute a release in the amount of the payment and the release shall be conclusive evidence of the removal and extinguishment of the lien pursuant to sections 135.037 to 135.083 to the extent of the payment.

6. If, after an initial determination pursuant to this section has been made by the director, upon claim for refund, audit or examination or otherwise, it is discovered that the taxpayer or taxpayers had household income in the amount of or less than the limitation provided pursuant to subsection 1 of this section, the director shall determine the amount of taxes deferred that should have been deferred and give notice to the taxpayer or taxpayers of the amount of taxes that should have been deferred. The provisions of chapter 143, RSMo, shall apply to a determination of the director pursuant to this section in the same manner as those provisions are applicable to an income tax refund. The amount of the taxes that should have been deferred shall bear interest from the date paid by the taxpayer to the county at the rate established by the director of the director of revenue for refunds until paid. Claim for refund pursuant to this subsection must be filed within three years after the earliest date that the taxpayer or taxpayers is notified by the director that the taxes are not deferred.

7. This section applies to all tax-deferred property, notwithstanding that election to defer taxes is made pursuant to sections 135.037 to 135.083 before or after January 1, 2003.

135.066. Any taxpayer or taxpayers who have a household income of up to twice the maximum upper limit who have been precluded from deferring any portion of their property tax due to their household income being in excess of the maximum upper limit, may qualify for a deferral of the amount of property tax which has increased on their homestead since January first in the base year. Pursuant to the provisions of this section, the term "base year" shall mean the year beginning January first after the sixty-second birthday of the person otherwise qualified to claim the deferral pursuant to sections 135.037 to 135.083, however, base year shall not mean any year prior to the year beginning January 1, 2003. Such deferral shall be subject to the provisions of sections 135.037 to 135.083 as if it were a deferral pursuant to section 135.039.

135.067. 1. All payments of deferred taxes shall be made to the director of revenue.

2. Subject to subsection 3 of this section, all or part of the deferred taxes and accrued interest may at any time be paid to the director by:

(1) The taxpayer or the spouse of the taxpayer;

(2) The next of kin of the taxpayer, heir at law of the taxpayer, child of the taxpayer or any person having or claiming a legal or equitable interest in the property.

3. A person listed in subdivision (2) of subsection 2 of this section may make such payments only if no objection is made by the taxpayer within thirty days after the director deposits in the mail notice to the taxpayer of the fact that such payment has been tendered.

4. Any payment made pursuant to this section shall be applied first against accrued interest and any remainder against the deferred taxes. Such payment does not affect the deferred tax status of the property. Unless otherwise provided by law, such payment does not give the person paying the taxes any interest in the property or any claim against the estate, in the absence of a valid agreement to the contrary.

5. The provisions of subsection 4 of this section notwithstanding, if any taxpayer in the deferral program pays part or all of the current year property tax liability in a timely manner, such payment shall be applied against the principal of the deferred taxes and then against any interest, if applicable.

6. When the deferred taxes and accrued interest are paid in full and the property is no longer subject to deferral, the director shall prepare and record in the county in which the property is located a satisfaction of deferred property tax lien.

135.073. 1. If the property on which taxes have been deferred is deeded over to the county at the conclusion of the foreclosure proceedings pursuant to chapter 141, RSMo, the county governing body shall order the county treasurer to pay to the director of revenue from the combined tax collections account the amount of deferred taxes and interest which were not collected by the director of revenue, which payment shall not exceed the amount collected by the foreclosure proceedings minus reasonable expenses incurred by the county as a result of the foreclosure process.

2. Immediately upon payment, the county treasurer shall notify the tax collector of the amount paid to the director for the property which has been deeded to the county.

135.075. 1. If the taxpayer who claimed homestead property tax deferral dies, or if a spouse who continued the deferral pursuant to section 135.063 dies, the director of revenue may extend the time for payment of the deferred taxes and interest accruing with respect to the taxes becoming due and payable pursuant to subsection 2 of section 135.061 where:

(1) The homestead property becomes property of an individual or individuals:

(a) By inheritance or devise; or

(b) If the individual or individuals are heirs or devisees, as defined pursuant to section 472.010, RSMo, in the course of settlement of the estate;

(2) The individual or individuals commence occupancy of the property as a principal residence on or before February fifteenth of the calendar year following the calendar year of death; and

(3) The individual or individuals make application to the director for an extension of time for payment of the deferred taxes and interest prior to February fifteenth of the calendar year following the calendar year of death.

2. (1) Subject to subdivision (2) of this subsection, an extension granted pursuant to this section shall be for a period not to exceed five years after February fifteenth of the calendar year following the calendar year of death. The terms and conditions under which the extension is granted shall be in accordance with a written agreement entered into by the director and the individual or individuals.

(2) An extension granted pursuant to this section shall terminate immediately if:

(a) The homestead property is sold or otherwise transferred by any party to the extension agreement;

(b) All of the heirs or devisees who are parties to the extension agreement cease to occupy the property as a principal residence; or

(c) The homestead property, a manufactured structure or floating home, is moved out of the state.

3. If the director has reason to believe that the homestead property is not sufficient security for the deferred taxes and interest, the director may require the individual or individuals to furnish a bond conditioned upon payment of the amount extended in accordance with the terms of the extension. The bond shall not exceed an amount double the taxes with respect to which tax extension is granted.

4. During the period of extension, and until paid, the deferred taxes shall continue to accrue interest in the same manner and at the same rate as provided pursuant to subsection 3 of section 135.045. No interest shall accrue upon interest.

5. When any taxpayer who claimed homestead property tax deferral dies, the spouse, heirs and devisees, as defined pursuant to section 472.010, RSMo, shall within sixty days notify in writing the director of the taxpayer's death. Notification of the director by one of the aforementioned parties shall satisfy the requirements of this subsection.

135.077. Nothing in section 135.037 to 135.083 is intended to or shall be construed to:

- (1) Prevent the collection, by foreclosure, of property taxes which become a lien against tax-deferred property;**
- (2) Defer payment of special assessments to benefitted property which assessments do not appear on the assessment and tax roll;**
- (3) Affect any provision of any mortgage or other instrument relating to land requiring a person to pay property taxes.**

135.079. After August 28, 2003, it shall be unlawful for any mortgage trust deed or land sale contract to contain a clause or statement which prohibits the owner from applying for the benefits of the deferral of homestead property taxes provided in sections 135.037 to 135.083. Any such clause or statement in a mortgage trust deed or land sale contract executed after August 28, 2003, shall be void.

135.083. 1. There is hereby established in the state treasury the "Senior Property Tax Deferral Revolving Account" to be used by the director of revenue for the purpose of making the payments to:

- (1) County tax collectors of property taxes deferred for tax years beginning on or after January 1, 2003, as required by section 135.049;**
- (2) The director for expenses to administer the property tax and special assessment senior deferral programs.**

2. The funds necessary to make payments pursuant to subsection 1 of this section shall be advanced annually to the director.

3. The senior property tax deferral revolving account may include a reserve for payment of department administrative expenses.

4. All sums of money received by the director of revenue pursuant to sections 135.037 to 135.083 as repayments of deferred property taxes including the interest accrued pursuant to subsection 3 of section 135.045 shall, upon receipt, be credited to the revolving account for the purposes set forth in sections 135.037 to 135.083 subject to appropriations.

5. If there is not sufficient money in the revolving account to make the payments required by subsection 1 of this section, an amount sufficient to make the required payments may be transferred by appropriations from

the general revenue fund to the revolving account.

6. When the department determines that moneys in sufficient amounts are available in the revolving account, the director shall repay to the general revenue fund the amounts advanced pursuant to subsection 2 of this section or if no such transfer is made by the director, the general assembly may transfer excess funds from the revolving account to the general revenue fund. The moneys used to repay the general revenue fund pursuant to this section shall not be considered as part of the calculation of total state revenue. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the revolving account shall not lapse to general revenue.

7. If there are insufficient funds in the general revenue to provide the necessary funding to the revolving account established in this section, the commissioner of administration may issue revenue bonds pursuant to sections 1 to 6 of this act."; and

Further amend said bill, page 8, Section 208.565, line 7, by inserting immediately after said line the following:

"Section 1. As used in sections 1 to 6 of this act, the following words and phrases mean:

(1) "Commissioner", the commissioner of administration;

(2) "Revenue bonds", bonds issued hereunder for the purposes herein authorized and payable, both as to principal and interest, solely and only out of the net income and revenues arising from the operation of the revolving account for which the bonds are issued after providing revenue for such revolving account;

(3) "Revolving account", the senior property tax deferral revolving account established pursuant to section 135.083, RSMo.

Section 2. For the purpose of providing funds for the revolving account, the commissioner may issue and sell revenue bonds, as herein defined, in an amount not to exceed the estimated revenue required to reasonably maintain the revolving account, including costs necessarily incidental thereto. At the time of the issuance of the bonds, the commissioner shall pledge the net income and revenues of the revolving account to the payment of the bonds, both principal and interest, and shall covenant to fix, maintain and collect the reasonable rates and charges for the use of the revolving account that in the judgment of the commissioner will provide revenues sufficient to pay the reasonable cost of operating and maintaining the revolving account; to provide and maintain an interest and sinking fund in an amount adequate promptly to pay the principal of and interest on such bonds; to provide a reasonable reserve fund; and to provide a reasonable fund for depreciation.

Section 3. Any bonds issued under and pursuant to sections 1 to 6 of this act shall not be deemed to be an indebtedness of the state of Missouri or of the commissioner, or of the individual members of the office of administration, and shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness.

Section 4. 1. Bonds issued under and pursuant to the provisions of sections 1 to 6 of this act shall be of such denomination or denominations, shall bear such rate or rates of interest not to exceed fifteen percent per annum, and shall mature at such time or times within forty years from the date thereof, as the commissioner determines. The bonds may be either serial bonds or term bonds.

2. Serial bonds may be issued with or without the reservation of the right to call them for payment and redemption in advance of their maturity, upon the giving of such notice, and with or without a covenant requiring the payment of a premium in the event of such payment and redemption prior to maturity, as the commissioner determines.

3. Term bonds shall contain a reservation of the right to call them for payment and redemption prior to maturity at such time or times and upon the giving of such notice, and upon the payment of such premium, if any, as the commissioner determines.

4. The bonds, when issued, shall be sold at public sale for the best price obtainable after giving such reasonable notice of such sale as may be determined by the commissioner, but in no event shall such bonds be sold for less than ninety-eight percent of the par value thereof, and accrued interest. Any such bonds may be sold to the United States of America or to any agency or instrumentality thereof, at a price not less than par and accrued interest, without public sale and without the giving of notice as herein provided.

5. The bonds, when issued and sold, shall be negotiable instruments within the meaning of the law merchant and the negotiable instruments law, and the interest thereon shall be exempt from income taxes under the laws of the state of Missouri.

Section 5. 1. The revenue bonds issued pursuant to the provisions of sections 1 to 6 of this act may be refunded, in whole or in part, in any of the following circumstances:

(1) When any such bonds have by their terms become due and payable and there are not sufficient funds in the interest and sinking fund provided for their payment to pay such bonds and the interest thereon;

(2) When any such bonds are by their terms callable for payment and redemption in advance of their date of maturity and are duly called for payment and redemption;

(3) When any such bonds are voluntarily surrendered by the holder or holders thereof for exchange for refunding bonds.

2. For the purpose of refunding any bonds issued hereunder, including refunding bonds, the commissioner may make and issue refunding bonds in the amount necessary to pay off and redeem the bonds to be refunded together with unpaid and past due interest thereon and any premium which may be due under the terms of the bonds, together also with the cost of issuing the refunding bonds, and may sell the same in like manner as is herein provided for the sale of revenue bonds, and with the proceeds thereof pay off, redeem and cancel the old bonds and coupons that have matured, or the bonds that have been called for payment and redemption, together with the past due interest and the premium, if any, due thereon, or the bonds may be issued and delivered in exchange for a like par value amount of bonds to refund which the refunding bonds were issued. No refunding bonds issued pursuant to the provisions of sections 1 to 6 of this act shall be payable in more than forty years from the date thereof or shall bear interest at a rate in excess of six percent per annum.

3. The refunding bonds shall be payable from the same sources as were pledged to the payment of the bonds refunded thereby and, in the discretion of the commissioner, may be payable from any other sources which under sections 1 to 6 of this act may be pledged to the payment of revenue bonds issued hereunder. Bonds of two or more issues may be refunded by a single issue of refunding bonds.

Section 6. The commissioner may prescribe the form, details and incidents of the bonds, and make the covenants that in the commissioner's judgment are advisable or necessary properly to secure the payment thereof; but the form, details, incidents and covenants shall not be inconsistent with any of the provisions of sections 1 to 6 of this act. Such bonds may have the seal of the commissioner impressed thereon or affixed thereto or imprinted or otherwise reproduced thereon. If such bonds shall be authenticated by the bank or trust company acting as registrar for such bonds by the manual signature of a duly authorized officer or employee thereof, the duly authorized officers of the commissioner executing and attesting such bonds, may all do so by facsimile signature provided such signatures have been duly filed as provided in the uniform facsimile signature of public officials law, sections 105.273 to 105.278, RSMo, when duly authorized by resolution of the commissioner and the provisions of section 108.175, RSMo, shall not apply to such bonds. The holder or holders of any bond or bonds issued hereunder or of any coupons representing interest accrued thereon may, by proper civil action either at law or in equity, compel the commissioner to perform all duties imposed upon him or her by the provisions of sections 1 to 6 of this act, including the making and collecting of sufficient rates and charges for the use of the project for which the bonds were issued, and also to enforce the performance of any and all other covenants made by the commissioner in the issuance of the bonds."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

President Maxwell assumed the Chair.

Senator Gross moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SCS** for **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Mathewson-- 1			
Absent with leave--Senators			
DePasco	Klindt--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Mathewson-- 1			
Absent with leave--Senators			
DePasco	Klindt--2		

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 322**; **SS** for **SCS** for **HB 598**, as amended; and **SS** for **HB 198**, as amended, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator Dolan moved that **SS** for **SCS** for **HB 598**, as amended, be taken up for third reading and final passage, which motion prevailed.

On motion of Senator Dolan, **SS** for **SCS** for **HB 598**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senator Mathewson--1

Absent with leave--Senators

DePasco Klindt--2

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Nodler moved that **SS** for **HB 198**, as amended, be taken up for third reading and final passage, which motion prevailed.

On motion of Senator Nodler, **SS** for **HB 198**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None
Absent--Senator Mathewson--1
Absent with leave--Senators
Klindt--2

DePasco

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 69** and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 69**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt the **SS**, as amended, for **HCS** for **HB 73** and request the Senate to recede from its position and take up and pass **HCS** for **HB 73**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 184**, entitled:

An Act to repeal sections 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 195.505, 210.903, 210.909, 210.922, 210.937, 221.320, 221.340, 221.350, 589.400, 589.407, 589.414, 610.120, 610.123 and 630.170, and to enact in lieu thereof twenty-three new sections relating to criminal records, with penalty provisions.

With House Amendments Nos. 1, 2, 4, 5 and 7.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 184, Page 10, Section 43.503, Line 20 of said page, by deleting the numeral "43.530" and by inserting in lieu thereof the following: "[43.530] **43.543**"; and

Further amend said bill, Page 11, Section 43.506, Line 10 of said page, by deleting the numeral "43.530" and by inserting in lieu thereof the following: "[43.530] **43.543**"; and

Further amend said bill, Page 11, Section 43.506, Line 19 of said page, by deleting the numeral "43.530" and by inserting in lieu thereof the following: "[43.530] **43.543**"; and

Further amend said bill, Page 12, Section 43.527, Line 11 of said page, by deleting the numeral "43.530" and by inserting in lieu thereof the following: "[43.530] **43.543**"; and

Further amend said bill, by amending sectional references and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 184, Page 12, Section 43.527, Line 12 of said page, by removing the bracket from before "federal" and after "Missouri"; and

Further amend said section, Page 12, Line 17, by deleting the words "**political subdivisions or**"; and

Further amend said section, Page 12, Line 18, by deleting the following: "**There shall be no charge for the information requested by Missouri state agencies screening their state employees or applicants for state employment.**"; and

Further amend said bill, Page 22, Section 43.543, Line 18 of said page, by inserting after the word "**paid**" the words "**by the applicant or**".

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 184, Page 31, Section 589.400, Line 25, by deleting "2002" and inserting the following: "**2003**".

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 184, Page 27, Section 210.922, Line 23, by inserting after said line the following:

"[210.937. The provisions of sections 210.900 to 210.936 shall terminate on January 1, 2004.]";

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 184, Page 10, Section 43.503, Line 7, by inserting after the word "delay" the following: "**and within thirty days**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 11**.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 11, in the third "Whereas clause", by deleting the words "the Department of Health and Senior Services, in conjunction with"

In addition, deleting the clause "The Department of Health and Senior Services" throughout SCR 11 and inserting in lieu thereof the clause "**The Department of Insurance.**"

In the third "Whereas clause" by deleting the words "any teaching hospital under the control of public universities in the state shall" in said clause and inserting in lieu thereof the words "**any appropriate health care institution may**".

HOUSE AMENDMENT NO. 2

Amend Senate Concurrent Resolution No. 11, Line 6 of 1st Resolved clause, by amending said resolution in the first

resolved clause, by inserting immediately after the word "Program" the following:

"If, after the evaluation called for in this resolution, the department concludes such pilot program is beneficial to the health care system of Missouri."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SCR 8**.

Concurrent resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HB 286** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 307**.

Emergency clause adopted.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to concur in **HCS** for **SB 12** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Shields moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 286**, as amended, and request the House to take up and pass the bill, which motion prevailed.

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HB 228**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Yeckel moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 73**, as amended, and request the House grant the Senate a conference thereon, which motion prevailed.

Senator Gross moved that the conferees on **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, as amended, be allowed to exceed the differences, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 228**, as amended: Senators Goode,

Mathewson, Bartle, Shields and Steelman.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1001, regarding Shea Murphy, Hannibal, which was adopted.

Senator Stoll offered Senate Resolution No. 1002, regarding Jacob Rodney Fajen, Columbia, which was adopted.

Senator Vogel offered Senate Resolution No. 1003, regarding Sandra Comer, Eldon, which was adopted.

Senator Vogel offered Senate Resolution No. 1004, regarding Barbara Ann Walter, California, which was adopted.

Senator Dolan offered Senate Resolution No. 1005, regarding James Weber, Wentzville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Steve Slocum, M.D., St. Louis.

Senator Loudon introduced to the Senate, Karrie Peters, and fourth grade students from Remington Traditional School, Maryland Heights; and Josh Gross, Alexis Sanders, Daniel Martin, Bradley Ridings, and Erin Turpin were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Thursday, May 15, 2003.

SENATE CALENDAR

SEVENTY-FOURTH DAY-THURSDAY, MAY 15, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 564-Gross

SENATE BILLS FOR PERFECTION

SB 414-Steelman, with SCS

SB 454-Coleman and
Dougherty, with SCS

SJR 4-Cauthorn

HOUSE BILLS ON THIRD READING

HB 189-Parker, et al

(Klindt/Vogel)

HS for HCS for HB 121-

Portwood, with SCS (Shields)

HCS for HB 640 (Days)

HCS for HB 688, with SCS (Kinder)

HB 593-Deeken, et al (Loudon)

HS for HCS for HB 455-

Thompson, with SCS (Kinder)

HB 697-Mayer, et al, with SCS

(Bartle)

HS for HB 267-Smith (118),

with SCS (Griesheimer)

HCS for HB 322

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 27-Gibbons, with SCS

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 209-Steelman, et al, with SCS

SB 217-Champion and Clemens,

with SS (pending)

SB 241-Yeckel, with SCS

SB 253-Steelman, et al, with SCS,

SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SBs 312, 49, 111, 113, 191, 206,

263, 404, 409, 418, 538, 550 &

584-Dolan, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,

331, 368, 369, 419, 484 &

581-Dolan, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,

with SCS & SS for SCS

(pending)

SBs 415, 88, 200, 223, 413, 523,
589 & 626-Yeckel, with SCS
SB 416-Yeckel, with SCS
SB 434-Yeckel, with SCS
SB 436-Klindt, with SCS,
SS for SCS & SA 2 (pending)
SB 446-Bartle, with SCS
SB 449-Bartle
SB 450-Mathewson, et al, with
SCS, SS for SCS & SA 2 (pending)
SB 455-Dougherty and Shields
SB 458-Childers
SB 460-Loudon, with SS &
SA 1 (pending)

SB 476-Jacob
SB 485-Shields, with SCS
SB 531-Childers, with SCS
SB 685-Gibbons, et al, with SCS
SB 693-Klindt, et al, with SCS
SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HB 91-Mayer, with SCS
(Steelman)
HCS for HB 144, with SCS

(Vogel)

HCS for HB 185, with SCS

(Gross)

HS for HB 197-Johnson (47), with

SCS, SS for SCS & point of

order (pending) (Shields)

HS for HCS for HB 257-

Munzlinger, with SCS (Cauthorn)

HCS for HB 288, with SCS

(Shields)

HS for HCS for HB 321-

Wilson (130), with SS & SS

for SS (pending) (Loudon)

HB 327-Lipke, with SCS (Dolan)

HB 444-Jackson, with SCS, SS

for SCS, SS for SS for SCS,

SA 1 & SSA 2 for SA 1

(pending) (Yeckel)

HB 445-Portwood, et al, with SCS

(Loudon)

HS for HB 481-Crowell (Bartle)

HS for HCS for HB 564-Behnen,

with SCS (Yeckel)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 505-Byrd and Villa,
with SCS (Mathewson)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SS for SCS for

SB 2-Russell, with HS,
as amended

SS for SCS for SB 30-Gross, et al,

with HCS, as amended

SB 39-Cauthorn, et al, with HCS,
as amended

SB 184-Bartle and Scott, with
HS for HCS, as amended

SB 243-Yeckel, with HCS

SS for SCS for SB 346-
Yeckel, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 385-Scott, with HCS

SB 470-Bartle, with HCS

SB 521-Gross, with HCS

SCS for SB 592-Foster, with HCS

SB 668-Cauthorn and Klindt, with
HS for HCS, as amended

SCS for SB 675-Gross, et al, with
HCS, as amended

SS#2 for SB 695-Goode and
Russell, with HS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 36-
Klindt/Steelman, with

HCS, as amended

(Further conference granted)

SB 173-Quick, with HS for

HCS, as amended

SB 186-Cauthorn, with HCS

(Senate adopted CCR and passed

CCS)

SCS for SB 199-Childers, with

HS for HCS, as amended

SCS for SB 246-Steelman, et al,

with HS for HCS, as amended

SS#2 for SCS for SBs 248, 100,

118, 233, 247, 341 & 420-Gross,

with HS for HCS,

as amended

SS for SCS for SB 298-

Griesheimer, with HCS,

as amended

(Senate adopted CCR and passed

CCS)

SCS for SBs 299 & 40- Champion,

et al, with HS, as amended

(Senate adopted CCR and passed

CCS)

SCS for SB 379-Champion,

with HCS

(Senate adopted CCR and passed CCS)

SB 394-Bartle, with HCS,

as amended

(Senate adopted CCR and passed CCS)

SB 552-Yeckel, with HCS

(Senate adopted CCR#2 and

passed bill)

SCS for SB 686-Russell, with HS

for HCS, as amended

HS for HCS for HB 228-Pearce,

with SCS, as amended (Goode)

HB 412-Goodman, et al, with SS,

as amended (Childers)

HCS for HB 427, with SCS (Bartle)

(House adopted CCR and passed

CCS)

HS for HB 470-Mayer, with SS

for SCS, as amended (Bartle)

HCS for HB 613, with SCS,

as amended (Bartle)

(House adopted CCR and passed

CCS)

HS for HB 668-Crawford, with

SS for SCS, as amended (Dolan)

HS for HCS for HBs 679 &

396-Hanaway, with SS,

as amended (Shields)

Requests to Recede or Grant Conference

SB 12-Kinder and Scott, with HCS

(Senate requests House

recede or grant conference)

HCS for HB 73, with SS,

as amended (Yeckel)

(Senate requests House grant

conference)

HB 286-Bearden, with SS for SCS,

as amended (Shields)

(Senate requests House take up

and pass the bill)

RESOLUTIONS

SCR 15-Dolan, et al

SCR 11-Steelman, with

HA 1 & HA 2

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 4-Jacob

SCR 18-Mathewson and Steelman

SR 900-Mathewson

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FOURTH DAY--THURSDAY, MAY 15, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"As we have therefore opportunity, let us do good unto all men." (Galatians 6:10)

Almighty God, as we go through this day may we be open to speak the words or provide the means that encourage our neighbor so they may not falter but be able to stand firm and faithful. Moreover, may we express gratitude to those who so faithfully serve us and we take, too often, for granted. And we pray for Senator Klindt and his family at the death of his mother and for Representative Miller and his family at the death of his father. We pray, Lord, that You may walk with them, comfort them with the memory of Your goodness, and sustain them in their grief. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, House Communications, the Associated Press and the Missourian were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
Absent with leave--Senators			
DePasco	Klindt--2		
The Lieutenant Governor was present.			

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 298**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 298**.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 555**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 555**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS for **HS** for **HCS** for **SS** for **SCS** for **SB 555**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

CONCURRENT RESOLUTIONS

Senator Steelman moved that **SCR 11**, with **HA 1** and **HA 2**, be taken up for third reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Steelman moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Stelman	Stoll	Vogel
Wheeler--29			

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Yeckel--3
DePasco	Klindt--2	

President Maxwell assumed the Chair.

HA 2 was taken up.

Senator Steelman moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Russell--3	
	Absent with leave--Senators		
DePasco	Klindt--2		

On motion of Senator Steelman, **SCR 11**, as amended, was third read and finally passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Goode	Jacob--4
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the concurrent resolution passed.

On motion of Senator Steelman, title to the concurrent resolution was agreed to.

Senator Steelman moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Childers, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 199**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 199

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendments Nos. 2, 3, 5, 6, 7, 8, and 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 199;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Doyle Childers
/s/ John E. Griesheimer
/s/ Gary Nodler
/s/ Harold L. Caskey
/s/ Ed Quick

FOR THE HOUSE:

/s/ Robert Johnson
/s/ Robert Mayer
/s/ Jay Wasson
/s/ Thomas E. George
/s/ Tom Villa

Senator Childers moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Cauthorn	Champion
Childers	Clemens	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

	NAYS--Senator Caskey--1
	Absent--Senators
Bland	Coleman--2
	Absent with leave--Senators
DePasco	Klindt--2

On motion of Senator Childers, **CCS** for **HS** for **HCS** for **SCS** for **SB 199**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 199

An Act to repeal sections 48.020, 48.030, 50.550, 50.740, 56.640, 67.1775, 135.207, 304.010, 473.730, 558.019, and 559.021, RSMo, and section 67.399, RSMo, as enacted by senate committee substitute for house substitute for house committee for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 67.399, RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and to enact in lieu thereof twenty-two new sections relating to counties, with penalty provisions.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Cauthorn	Champion
Childers	Clemens	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senator Caskey--1		
	Absent--Senators		
Bland	Coleman--2		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 686**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 686

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, with House Substitute Amendment No. 1 for House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, and House Amendments No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 686;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Stephen Stoll
/s/ Bill Foster
/s/ Doyle Childers
/s/ Harold Caskey

FOR THE HOUSE:

/s/ Jane Cunningham
/s/ Michael G. Corcoran
/s/ Maynard Wallace
/s/ D. J. Davis
/s/ Rod Jetton

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman--2		
	Absent with leave--Senators		
DePasco	Klindt--2		

On motion of Senator Russell, **CCS** for **HS** for **HCS** for **SCS** for **SB 686**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 686

An Act to repeal sections 115.121, 115.124, 162.261, 162.431, 162.601, 165.011, 165.016, 171.031, 177.086, 324.245, and 393.310, RSMo, and to enact in lieu thereof thirteen new sections relating to education, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons

Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Coleman--2
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Absent with leave--Senators

DePasco	Klindt--2
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The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Mathewson--2
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Absent with leave--Senators

DePasco	Klindt--2
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On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 327, with **SCS**, introduced by Representative Lipke, et al, entitled:

An Act to repeal section 227.120, RSMo, and to enact in lieu thereof one new section relating to the construction and maintenance of highways, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Dolan.

SCS for **HB 327**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 327

An Act to repeal sections 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 300.330, 300.410, 302.272, 302.302, 302.700, 304.010, 304.015, 307.100, 307.177, 307.400, 488.5336, 577.023, RSMo, and section

304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, and to enact in lieu thereof twenty-six new sections relating to transportation, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Dolan moved that **SCS** for **HB 327** be adopted.

Senator Dolan offered **SS** for **SCS** for **HB 327**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 327

An Act to repeal sections 137.298, 144.062, 191.831, 210.104, 210.107, 226.525, 226.535, 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 292.602, 300.330, 300.410, 301.010, 301.069, 302.225, 302.272, 302.302, 302.304, 302.309, 302.341, 302.540, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 302.775, 304.010, 304.015, 304.035, 304.580, 307.100, 307.125, 307.127, 307.177, 307.178, 307.400, 389.610, 390.020, 488.5336, 565.070, 577.023, 577.041, 577.049, 577.054, and 577.520, RSMo, and section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, and to enact in lieu thereof sixty-four new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

Senator Dolan moved that **SS** for **SCS** for **HB 327** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 14, Section 227.120, Line 15 of said page, by inserting after all of said line the following:

"227.338. The portion of U.S. Highway 71, located within a county of the third classification without a township form of government and with more than twenty-one thousand six hundred but less than twenty-one thousand seven hundred inhabitants shall be designated the "Corporal Bobbie J. Harper Memorial Highway"."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 121, Section 304.677, Lines 5-8 of said page, by striking all of said lines and inserting in lieu thereof the following: **"operating a motorcycle upon the roadway."**

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 117, Section 304.035, Line 13 of said page, by inserting immediately after said line the following:

"304.282. 1. Wherever used in this section the following terms mean:

(1) "Automated traffic control enforcement system", a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images of a motor vehicle entering an intersection in violation of a red signal indication;

(2) "Owner", the registered owner of a motor vehicle or lessee of a motor vehicle under a lease of six months or more as shown by the records of the department of revenue.

2. Two cities or counties designated by the director of the department of public safety with reference to any intersection involving highways, roads or streets under its jurisdiction, except a state highway as defined in section 304.001, may adopt an ordinance authorizing the use of an automated traffic control signal enforcement system to detect motor vehicles entering an intersection in violation of a red signal indication authorized pursuant to section 304.281. The ordinance adopted by the city or counties shall limit the use of an automated traffic control signal enforcement system to no more than four intersections within the city's jurisdictional limits.

3. Any city or county adopting an ordinance to establish an automated traffic control enforcement system may also enter into an agreement with the state highways and transportation commission regarding the installation and use of an automated traffic control enforcement system on a state highway within the boundaries of such city or county.

4. Photos obtained from an automated traffic control signal enforcement system along with proof of identity of the owner in whose name such motor vehicle is registered shall raise a rebuttable presumption that such owner was the person who committed the violation. Any owner issued a summons is responsible and liable for payment of a fine and court costs, unless the owner can furnish evidence that the motor vehicle was in the care, custody or control of another person at the time of the violation. In such instance the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation, subject to the penalties for perjury. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle at the time of violation. In such case, the court shall have the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator of the motor vehicle at the time of the violation. If the motor vehicle is alleged to have been stolen, the owner of the motor vehicle shall submit proof that a police report was filed indicating that the motor vehicle was stolen at the time of the alleged violation.

5. A summons issued pursuant to this section shall be sent by certified mail to the most recent address of the owner of the motor vehicle within twenty-one days of the violation. The cost of issuing the certified letter may be charged in addition to the fine imposed pursuant to subsection 10 of this section. The summons shall include the date, time, and location of the violation, a photo of the motor vehicle's license plate, and a photo of the actual violation as detected by the automated traffic control signal enforcement system. The summons must also include instructions on how to dispose of the violation through court appearance or payment of the fine and costs.

6. Any city or county that establishes a traffic control signal enforcement system pursuant to the provisions of this section shall make a public announcement of any automated traffic control signal enforcement system at least thirty days prior to its official use.

7. Signs indicating the system's presence shall be visible to traffic approaching from all directions at any

location which is equipped with an automated traffic control signal enforcement system.

8. Any city or county that establishes an automated traffic control enforcement system may also enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of automated traffic control enforcement systems. Any compensation paid to a private vendor shall not be based upon a contingency basis nor shall such compensation be based upon revenues generated from the use of such system. The city or county may enter into an agreement with the department of revenue for the purpose of obtaining relevant records regarding the owner in order to prepare and mail summonses on behalf of the city or county.

9. Photographic records made by a traffic control signal enforcement system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

10. No points shall be assessed, as described in section 302.302, RSMo, and no fine, including court costs, shall exceed fifty dollars for a violation obtained through the use of an automated traffic control enforcement system.

11. One year following the adoption of an ordinance by any city or county described in subsection 2 of this section, the department of public safety shall issue a report as to the effectiveness of the use of automated traffic control signal enforcement systems. The report shall include, but not be limited to, recommendations of whether such a system shall be instituted on a statewide basis. The report shall be delivered to the individual members of the general assembly.

12. The provisions of this section shall expire on August 28, 2008."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 146, Section 568.055, Line 9, by deleting said section.; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Scott offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, by adding the following at the end of the bill: "It shall be a crime for anything bad to happen in this state.

Senator Scott moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 4** is out of order, as it is frivolous.

The point of order was referred to the President Pro Tem.

At the request of Senator Scott, **SSA 1** for **SA 4** was withdrawn, rendering the point of order moot.

SA 4 was again taken up.

Senator Scott moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of SA 4 and was joined in his request by Senators Bray, Days, Dolan and Kennedy.

SA 4 was adopted by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Foster	Kinder
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--17			
NAYS--Senators			
Bray	Coleman	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Stoll
Wheeler--13			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators			
DePasco	Klindt--2		

Senator Loudon offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 125, Section 302.127, Line 10, by inserting immediately after said line the following:

"307.156. Any person, firm, or corporation which owns or operates a business engaged in whole or in part in servicing motor vehicles and installs or purports to install an airbag in a motor vehicle and either: 1) installs an airbag that does not meet all applicable federal safety regulations for an airbag installed in a vehicle of that make, model, and year; or 2) installs an airbag which has previously been installed in another motor vehicle without disclosing in writing to the owner or lessee of the vehicle receiving such airbag installation that a used airbag has been installed in it, shall be guilty of a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 45, Section 301.010, Line 7 of said page, by striking the word "six"; and further amend line 8 of said page, by striking "hundred" and inserting in lieu thereof the following: **"one thousand"**; and further amend line 10 of said page, by inserting after "operator," the following: **"or with a seat designed to carry more than one person,"**; and

Further amend said bill, Page 110, Section 304.010, Line 22 of said page, by inserting after all of said line the following:

"304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010, RSMo, upon the highways of this state, except as follows:

- (1) All-terrain vehicles owned and operated by a governmental entity for official use;
- (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
- (3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;
- (4) Governing bodies of cities may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;
- (5) Governing bodies of counties may issue special permits to licensed drivers for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate an off-road vehicle within any stream or river in this state, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

4. No persons shall operate an all-terrain vehicle:

- (1) In any careless way so as to endanger the person or property of another;
- (2) While under the influence of alcohol or any controlled substance;
- (3) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age.

5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. **The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one person.**

6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 118, Section 304.580, Line 28, by deleting the brackets on said line; and further amend said line by deleting the word "two" and insert in lieu thereof the word "**four**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 134, Section 307.400, Line 3, by inserting after all of said line the following:

"388.465. Every railroad corporation owning or operating a railroad which traverses through a city of the fourth classification with more than seven thousand five hundred but fewer than seven thousand six hundred eighty inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall establish a suitable stopping place, depot, or union station within such city to accommodate the boarding and unboarding of passengers."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 134, Section 307.400, Line 3 of said page, by inserting after all of said line the following:

"379.896. As used in sections 379.896 to 379.899, the following terms shall mean:

- (1) "Insurer", any insurance company, association or exchange authorized to issue policies of automobile insurance in the state of Missouri;**
- (2) "Repair facility", a person that engages in the business of repairing or replacing the nonmechanical exterior or interior body parts of a damaged motor vehicle.**

379.897. An insurer may not hold or acquire any ownership interest in a repair facility.

379.898. 1. An individual aggrieved by a violation of sections 379.896 to 379.899 by an insurer may bring an action for injunctive or other appropriate relief to compel the insurer to comply with the requirements adopted pursuant to sections 379.896 to 379.899.

2. A plaintiff who prevails in an action under this section is entitled to recover reasonable attorney's fees and court costs.

379.899. 1. An insurer that, on August 28, 2003, has an ownership interest in a repair facility must divest itself of any interest in the facility not later than August 28, 2005.

2. During the period in which the insurer maintains its interest in the repair facility before the divestiture required under this section, the insurer shall disclose to each insured that the insured has the right to use any

repair facility selected by the insured. The insurer shall make the disclosure in writing in the manner prescribed by the director of the department of insurance and shall provide the disclosure:

(1) At the time the policy is delivered, issued for delivery, or renewed; and

(2) When a claim covered by the policy is reported to the insurer by the insured.

3. The provisions of this section shall expire December 1, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered SA 10:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 7, Section 191.831, Line 8 of said page, by striking the word "sections" and inserting in lieu thereof the following: "**section**"; and

Further amend said bill and section, page 8, line 12 of said page, by inserting immediately after "RSMo" the following: "**, and section 577.001, RSMo**"; and

Further amend said bill, page 75, Section 302.304, lines 22-23, by striking the following: ", but not to exceed two hundred dollars,"; and further amend line 24 of said page, by inserting immediately after "302.010" the following: "**and section 577.001, RSMo**"; and

Further amend said bill, page 86, Section 302.540, line 18 of said page, by striking the following: "in an amount"; and further amend line 19 of said page, by striking the following: ", but not to exceed two hundred dollars,"; and further amend line 21 of said page, by inserting immediately after "302.010" the following: "**and section 577.001, RSMo**"; and

Further amend said bill, page 155, Section 577.041, lines 7-8 of said page, by striking the following: "in an amount"; and further amend lines 8-9 of said page, by striking the following: ", but not to exceed two hundred dollars,"; and further amend lines 11-12 of said page, by striking all of the underlined language from said lines and inserting in lieu thereof the following: "**302.010, RSMo, and section 577.001, RSMo**"; and

Further amend said bill, page 156, Section 577.049, line 22 of said page, by striking the following: ", but not to exceed two hundred dollars,"; and further amend line 24 of said page, by inserting immediately after the word "in" the following: "**section 302.010, RSMo, and**"; and

Further amend said bill, page 159, Section 577.520, lines 8-9 of said page, by striking the following: "in an amount"; and further amend lines 9-10 of said page, by striking the following: ", but not to exceed two hundred dollars,"; and further amend line 12 of said page, by inserting immediately after "RSMo," the following: "**and section 577.001,**".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 1, In the Title, Line 15, by inserting after "provisions" the following: ", an effective date for certain sections"; and

Further amend said bill, Page 143, Section 390.020, Line 11, by inserting after all of said line the following:

"407.1200. As used in sections 407.1200 to 407.1227, the following terms shall mean:

- (1) "Administrator", the person who is responsible for the administration of the service contracts or the service contracts plan and who is responsible for any filings required by sections 407.1200 to 407.1227;**
- (2) "Consumer", a natural person who buys other than for purposes of resale any motor vehicle that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or research purposes;**
- (3) "Director", the director of the department of insurance;**
- (4) "Maintenance agreement", a contract of limited duration that provides for scheduled maintenance only;**
- (5) "Manufacturer", a person that:**
 - (a) Manufacturers or produces the property and sells the property under its own name or label;**
 - (b) Is a wholly owned subsidiary of the person who manufacturers or produces the property;**
 - (c) Is a corporation which owns one hundred percent of the person who manufacturers or produces the property;**
 - (d) Does not manufacture or produce the property, but the property is sold under its trade name label;**
 - (e) Manufacturers or produces the property and the property is sold under the trade name or label of another person; or**
 - (f) Does not manufacture or produce the property but, pursuant to a written contract, licenses the use of its trade name or label to another person that sells the property under the licensor's trade name or label;**
- (6) "Mechanical breakdown insurance", a policy, contract or agreement issued by an authorized insurer that provides for the repair, replacement or maintenance of a motor vehicle or indemnification for repair, replacement or service, for the operational or structural failure of a motor vehicle due to a defect in materials or workmanship;**
- (7) "Motor vehicle extended service contract" or "service contract", a contract or agreement for a separately stated consideration or for a specific duration to perform the repair, replacement, or maintenance of a motor vehicle or indemnification for repair, replacement or maintenance, for the operational or structural failure due to a defect in materials, workmanship or normal wear and tear, with or without additional provision for incidental payment of indemnity under limited circumstances, including, but not limited to, towing, rental and emergency road service, but does not include mechanical breakdown insurance or maintenance agreements;**
- (8) "Non-original manufacturer's parts", replacement parts not made for or by the original manufacturer of the property, commonly referred to as "after market parts";**
- (9) "Person", an individual, partnership, corporation, incorporated or unincorporated association, joint stock company, reciprocal, syndicate or any similar entity or combination of entities acting in concert;**
- (10) "Premium", the consideration paid to an insurer for a reimbursement insurance policy;**
- (11) "Provider", a person who administers, issues, makes, provides, sells, or offers to sell a motor vehicle extended service contract, or who is contractually obligated to provide service under a motor vehicle extended service contract such as sellers, administrators, and other intermediaries;**
- (12) "Provider fee", the consideration paid for a service contract in excess of the premium;**

(13) "Reimbursement insurance policy", a policy of insurance issued to a provider and pursuant to which the insurer agrees, for the benefit of the service contract holders, to discharge all of the obligations and liabilities of the provider under the terms of the service contracts in the event of non-performance by the provider. All obligations and liabilities include, but are not limited to, failure of the provider to perform under the service contract and the return of the unearned provider fee in the event of the provider's unwillingness or inability to reimburse the unearned provider fee in the event of termination of a service contract;

(14) "Service contract holder" or "contract holder", a person who is the purchaser or holder of a services contract;

(15) "Warranty", a warranty made solely by the manufacturer, importer or seller of property or services without charge, that is not negotiated or separated from the sale of the product and is incidental to the sale of the product, that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor or other remedial measures, such as repair or replacement of the property or repetition of services.

407.1203. 1. Service contracts shall not be issued, sold, or offered for sale in this state unless the administrator or its designee has:

(1) Provided a receipt for the purchase of the service contract to the contract holder at the date of purchase;

(2) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase; and

(3) Complied with the provisions of sections 407.1200 to 407.1227.

2. All administrators of service contracts sold in this state shall file a registration with the director on a form, at a fee and at a frequency prescribed by the director.

3. In order to assure the faithful performance of a provider's obligations to its contract holders, each provider who is contractually obligated to provide service under a service contract shall:

(1) Insure all service contracts under a reimbursement insurance policy issued by an insurer authorized to transact insurance in this state; or

(2) (a) Maintain a funded reserve account for its obligation under its contracts issued and outstanding in this state. The reserves shall not be less than forty percent of gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts. The reserve account shall be subject to examination and review by the director; and

(b) Place in trust with the director a financial security deposit, having a value of not less than five percent of the gross consideration received, less claims paid, on the sale of the service contract for all service contracts issued and in force, but not less than twenty-five thousand dollars, consisting of one of the following:

a. A surety bond issued by an authorized surety;

b. Securities of the type eligible for deposit by authorized insurers in this state;

c. Cash;

d. A letter of credit issued by a qualified financial institution; or

e. Another form of security prescribed by regulations issued by the director; or

(3) (a) Maintain a net worth of one hundred million dollars; and

(b) Upon request, provide the director with a copy of the provider's or, if the provider's financial statements are

consolidated with those of its parent company, the provider's parent company's most recent Form 10-K filed with the Securities and Exchange Commission (SEC) within the last calendar year, or if the company does not file with the SEC, a copy of the company's audited financial statements, which shows a net worth of the provider or its parent company of at least one hundred million dollars. If the provider's parent company's Form 10-K or audited financial statements are filed to meet the provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the obligor relating to service contracts sold by the provider in this state.

4. Provider fees collected on service contracts shall not be subject to premium taxes. Premiums for reimbursement insurance policies shall be subject to applicable premium taxes.

5. Except for the registration requirement in subsection 2 of this section, persons marketing, selling, or offering to sell service contracts for providers that comply with sections 407.1200 to 407.1227 are exempt from this state's licensing requirements.

6. Providers complying with the provisions of sections 407.1200 to 407.1227 are not required to comply with other provisions of chapters 374 or 375, or any other provisions governing insurance companies.

407.1206. Reimbursement insurance policies insuring service contracts issued, sold, or offered for sale in this state shall conspicuously state that, upon failure of the provider to perform under the contract, such as failure to return the unearned provider fee, the insurer that issued the policy shall pay on behalf of the provider any sums the provider is legally obligated to pay or shall provide the service which the provider is legally obligated to perform according to the provider's contractual obligations under the service contracts issued or sold by the provider.

407.1209. 1. Service contracts issued, sold, or offered for sale in this state shall be written in clear, understandable language and the entire contract shall be printed or typed in easy to read ten point type or larger and conspicuously disclose the requirements in this section, as applicable.

2. Service contracts insured under a reimbursement insurance policy pursuant to subsection 3 of section 407.1203 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are guaranteed under a service contract reimbursement insurance policy. If the provider fails to pay or provide service on a claim within sixty days after proof of loss has been filed, the contract holder is entitled to make a claim directly against the insurance company." A claim against the provider shall also include a claim for return of the unearned provider fee. The service contract shall also conspicuously state the name and address of the insurer.

3. Service contracts not insured under a reimbursement insurance policy pursuant to subsection 3 of section 407.1203 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are backed only by the full faith and credit of the provider (insurer) and are not guaranteed under a service contract requirement insurance policy." A claim against the provider shall also include a claim for return of the unearned provider fee. The service contract shall also conspicuously state the name and address of the provider.

4. Service contracts shall identify any administrator, the provider obligated to perform the service under the contract, the service contract seller, and the service contract holder to the extent that the name and address of the service contract holder has been furnished by the service contract holder.

5. Service contracts shall conspicuously state the total purchase price and the terms under which the service contract is sold. The purchase price is not required to be pre-printed on the service contract and may be negotiated at the time of sale with the service contract holder.

6. If prior approval of repair work is required, the service contracts shall conspicuously state the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service and a procedure for obtaining emergency repairs performed outside of normal business hours.

7. Service contracts shall conspicuously state the existence of any deductible amount.

8. Service contracts shall specify the merchandise and services to be provided and any limitations, exceptions, and exclusions.

9. Service contracts shall state the conditions upon which the use of non-original manufacturer's parts, or substitute service, may be allowed. Conditions stated shall comply with applicable state and federal laws.

10. Service contracts shall state any terms, restrictions, or conditions governing the transferability of the service contract.

11. Service contracts shall state the terms, restrictions, or conditions governing termination of the service contract by the service contract holder. The provider of the service contract shall mail a written notice to the contract holder within fifteen days of the date of termination.

12. Service contracts shall require every provider to permit the service contract holder to return the contract within at least fifteen business days if the service contract is delivered at the time of sale or within a longer time period permitted under the contract. If no claim has been made under the contract, the contract is void and the provider shall refund to the contract holder the full purchase price of the contract. A ten percent penalty per month shall be added to a refund that is not paid within thirty days of return of the contract to the provider. The applicable free-look time periods on service contracts shall only apply to the original service contract purchaser.

13. Service contracts shall set forth all of the obligations and duties of the service contract holder, such as the duty to protect against any further damage and the requirement for certain service and maintenance.

14. Service contracts shall clearly state whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

407.1212. 1. A provider shall not use in its name the words insurance, casualty, guaranty, surety, mutual, or any other words descriptive of the insurance, casualty, guaranty, or surety business; or a name deceptively similar to the name or description of any insurance or surety corporation, or any other provider. This section shall not apply to a company that was using any of the prohibited language in its name prior to August 28, 2003. However, a company using the prohibited language in its name shall conspicuously disclose in its service contract the following statement: "This agreement is not an insurance contract."

2. A provider or its representative shall not in its service contracts or literature make, permit, or cause to be made any false or misleading statement, or deliberately omit any material statement that would be considered misleading if omitted, in connection with the sale, offer to sell or advertisement of a service contract.

3. A person, such as a bank, savings and loan association, lending institution, manufacturer or seller of any product, shall not require the purchase of a service contract as a condition of a loan or a condition for the sale of any property.

407.1215. 1. An administrator, provider, or other intermediary shall keep accurate accounts, books, and records concerning transactions regulated by sections 407.1200 to 407.1227.

2. An administrator's, provider's, or other intermediary's accounts, books, and records shall include:

(1) Copies of each type of service contract issued;

(2) The name and address of each service contract holder to the extent that the name and address have been furnished by the service contract holder;

(3) A list of the provider locations where service contracts are marketed, sold, or offered for sale; and

(4) Claims files which shall contain at least the dates, amounts, and description of all receipts, claims, and expenditures related to the service contracts.

3. Except as provided in this section, an administrator shall retain all records pertaining to each service contract holder for at least three years after the specified period of coverage has expired.

4. An administrator, provider, or other intermediary may keep all records required pursuant to sections 407.1200 to 407.1227 on a computer disk or other similar technology. If an administrator maintains records in other than hard copy, records shall be accessible from a computer terminal available to the director and be capable of duplication to legible hard copy.

5. An administrator, provider, or other intermediary discontinuing business in this state shall maintain its records until it furnishes the commissioner satisfactory proof that it has discharged all obligations to contract holders in this state.

6. An administrator, provider, or other intermediary shall make all accounts, books, and records concerning transactions regulations pursuant to sections 407.1200 to 407.1227 or other pertinent laws available to the director upon request.

407.1218. As applicable, an insurer that issued a reimbursement insurance policy shall not terminate the policy until a notice of termination, in a form and time frame prescribed by the director, has been mailed or delivered to the director. The termination of a reimbursement insurance policy shall not reduce the issuer's responsibility for service contracts issued by providers prior to the date of the termination.

407.1221. 1. Providers are considered to be the agent of the insurer which issued the reimbursement insurance policy. In cases where a provider is acting as an administrator and enlists other providers, the provider acting as the administrator shall notify the insurer of the existence and identities of the other providers.

2. The provisions of sections 407.1200 to 407.1227 shall not prevent or limit the right of an insurer which issued a reimbursement insurance policy to seek indemnification or subrogation against a provider if the insurer pays or is obligated to pay the service contract holder sums that the provider was obligated to pay pursuant to the provisions of the service contract or under a contractual agreement.

407.1224. 1. The director may conduct investigations or examinations of providers, administrators, insurers, or other persons to enforce the provisions of sections 407.1200 to 407.1227 and protect service contract holders in this state.

2. The director may take action which is necessary or appropriate to enforce the provisions of sections 407.1200 to 407.1227 and the director's regulations and orders, and to protect service contract holders in this state.

3. The director may order a service contract provider to cease and desist from committing violations of sections 407.1200 to 407.1227 or the director's regulations or orders, may issue an order prohibiting a service contract provider from selling or offering for sale service contracts, or may issue an order imposing a civil penalty, or any combination of these, if the provider has violated the provisions of sections 407.1200 to 407.1227 or the director's regulations or orders.

4. A person aggrieved by an order pursuant to this section may request a hearing before the director. The hearing request shall be filed with the director within twenty days of the date the director's order is effective.

5. Pending the hearing and the decision by the director, the director shall suspend the effective date of the order. At the hearing, the burden shall be on the director to show why the order issued pursuant to this section is justified. Such hearing shall be held in accordance with the provisions of chapter 536, RSMo.

6. The director may bring an action in the circuit court of Cole county for an injunction or other appropriate

relief to enjoin threatened or existing violations of sections 407.1200 to 407.1227 or of the director's orders or regulations. An action filed pursuant to this section may also seek restitution on behalf of persons aggrieved by a violation of sections 407.1200 to 407.1227 or orders or regulations of the director.

7. A person in violation of sections 407.1200 to 407.1227 or orders or regulation of the director may be assessed a civil penalty not to exceed one thousand dollars per violation.

8. The authority of the director pursuant to this section is in addition to other authority of the director.

407.1225. The director may promulgate rules to effectuate sections 407.1200 to 407.1224. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

407.1227. 1. The provisions of sections 407.1200 to 407.1224 shall not apply to:

- (1) Warranties;
- (2) Maintenance agreements;
- (3) Commercial transactions; and
- (4) Service contracts sold or offered for sale to persons other than consumers.

2. Manufacturer's contracts on the manufacturer's products need only comply with the provisions of sections 407.1209, 407.1212, and 407.1224."; and

Further amend said bill, Page 165, Section D, Line 3, by inserting after all of said line the following:

"Section F. The enactment of sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227 shall become effective January 1, 2007."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 2, Section 302.060, Line 10, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, page 3, same section, line 5, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, page 5, section 302.321, lines 11-12, by deleting the open "[" and the close bracket "]" on said line; and

Further amending said bill, page 5, same section, line 21, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, page 6, section 302.541, lines 16-17, by deleting the open bracket "[" and the close bracket "]"

"J" on said lines; and

Further amending said bill, page 8, section 577.500, line 6, by deleting the open bracket "[" and the close bracket "]" on said line; and

Further amending said bill, same page, same section, lines 10-11, by deleting the open bracket "[" and the close bracket "]" on said lines; and

Further amending said bill, same page, same section, lines 18-19, by deleting the open bracket "[" and the close bracket "]" on said lines; and

Further amending said bill, same page, same section, lines 22-23, by deleting the open bracket "[" and the close bracket "]" on said lines; and

Further amending said bill, same page, same section, lines 25-26, by deleting the open bracket "[" and the close bracket "]" on said lines.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 61, Section 301.069, Line 24 of said page, by inserting after all of said line the following:

"301.567. 1. For purposes of this section, a violation of any of the following advertising standards shall be deemed an attempt by the advertising dealer to obtain a fee or other compensation by fraud, deception or misrepresentation in violation of section 301.562:

(1) A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a "new motor vehicle" as defined in section 301.550;

(2) When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term "used", or by such other term as is commonly understood to mean that the vehicle is used;

(3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement;

(4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealership's inventory;

(5) The terms "list price", "sticker price", or "suggested retail price" shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the "manufacturer's suggested retail price" of the advertised vehicle;

(6) Terms such as "at cost", "\$..... above cost" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale[. Terms such as "invoice price", "\$..... over invoice" may be used, provided that the invoice referred to is the manufacturer's factory invoice for a new motor vehicle and the invoice is available for customer inspection. For purposes of this section, "manufacturer's factory invoice" means that document supplied by the manufacturer to the dealer listing the manufacturer's charge to the dealer before any deduction for holdback, group advertising, factory incentives or rebates, or any governmental charges];

(7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, in advertisements placed by individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the dealer, except buyer-selected options and state and local taxes. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed within the advertisement;

(8) [Advertisements which offer to match or better any competitors' prices shall not be used;

(9)] Advertisements of "dealer rebates" shall not be used, however, this shall not be deemed to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates are clearly and conspicuously disclosed;

[(10)] (9) "Free", "at no cost" shall not be used if any purchase is required to qualify for the "free" item, merchandise, or service;

[(11)] (10) "Bait advertising", in which an advertiser may have no intention to sell at the prices or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the following examples:

(a) Not having available for sale the advertised motor vehicles at the advertised prices. If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such vehicles, and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, such limitations shall be stated in the advertisement;

(b) Advertising a motor vehicle at a specified price, including such terms as "as low as \$.....", but having available for sale only vehicles equipped with dealer-added cost options which increase the selling price above the advertised price;

[(12)] (11) Any reference to monthly payments, down payments, or other reference to financing or leasing information shall be accompanied by a clear and conspicuous disclosure of the following:

(a) Whether the payment or other information relates to a financing or a lease transaction;

(b) If the payment or other information relates to a financing transaction, the minimum down payment, annual percentage interest rate, and number of payments necessary to obtain the advertised payment amount must be disclosed, in addition to any special qualifications required for obtaining the advertised terms including, but not limited to, "first-time buyer" discounts, "college graduate" discounts, and a statement concerning whether the advertised terms are subject to credit approval;

(c) If the payment or other information relates to a lease transaction, the total amount due from the purchaser at signing with such costs broken down and identified by category, lease term expressed in number of months, whether the lease is closed-end or open-end, and total cost to the lessee over the lease term in dollars;

[(13)] (12) Any advertisement which states or implies that the advertising dealer has a special arrangement or relationship with the distributor or manufacturer, as compared to similarly situated dealers, shall not be used;

[(14)] (13) Any advertisement which, in the circumstances under which it is made or applied, is false, deceptive, or misleading shall not be used;

[(15)] (14) No abbreviations for industry words or phrases shall be used in any advertisement unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

2. The requirements of this section shall apply regardless of whether a dealer advertises by means of print, broadcast, or electronic media, or direct mail.

3. Dealers shall clearly and conspicuously identify themselves in each advertisement by use of a dealership name which complies with subsection 6 of section 301.560."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Major General Robert L. Van Antwerp, Commanding General, U.S. Army Maneuver Support Center and Fort Leonard Wood and Commandant, U.S. Army Engineer School was recognized to address the members of the Senate.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Jacob moved that the vote by which **SA 12** was adopted be reconsidered, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Quick--2		
	Absent with leave--Senators		
DePasco	Klindt--2		

SA 12 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Jacob offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 72, Section 302.304, Line 15 of said page, by inserting after the word and period "date." the following: "**The revocation period of any person whose license and driving privilege have been revoked a second time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after three years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a third time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after five years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a fourth time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after seven years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a fifth or subsequent time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after ten years from the effective date of the revocation.**"; and

Further amend said bill, Page 74, Section 302.304, Lines 3-8 of said page, by striking all of said lines; and further

amend by renumbering the remaining subsections accordingly; and

Further amend said bill, Page 106, Section 302.775, Line 22 of said page, by inserting after all of said line the following:

"303.173. 1. The license and driving privilege of any person whose license and driving privilege have been revoked for the first time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits for liability coverage:

- (1) Not less than fifty thousand dollars because of bodily injury to or death of one person in any one accident;**
- (2) Subject to said limit for one person, not less than one hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and**
- (3) Not less than twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.**

2. The license and driving privilege of any person whose license and driving privilege have been revoked a second time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

- (1) Not less than seventy-five thousand dollars because of bodily injury to or death of one person in any one accident;**
- (2) Subject to said limit for one person, not less than one hundred fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident; and**
- (3) Not less than fifty thousand dollars because of injury to or destruction of property of others in any one accident.**

3. The license and driving privilege of any person whose license and driving privilege have been revoked a third time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

- (1) Not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident;**
- (2) Subject to said limit for one person, not less than two hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and**
- (3) Not less than seventy-five thousand dollars because of injury to or destruction of property of others in any one accident.**

4. The license and driving privilege of any person whose license and driving privilege have been revoked a fourth or subsequent time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of

financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

- (1) Not less than two hundred fifty thousand dollars because of bodily injury to or death of one person in any one accident;
- (2) Subject to said limit for one person, not less than five hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and
- (3) Not less than one hundred thousand dollars because of injury to or destruction of property of others in any one accident.

5. If any person required by this section to file proof of financial responsibility demonstrating that such person has obtained an automobile liability insurance policy subject to certain minimum amounts of coverage, thereafter fails to maintain proof of the required coverage during any period of time such person owns, in whole or in part, any motor vehicle, the person's license and driving privilege shall be rerevoked."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Bray, Days and Wheeler.

SA 14 failed of adoption by the following vote:

YEAS--Senators			
Bray	Coleman	Days	Dougherty
Foster	Jacob	Kennedy--7	
NAYS--Senators			
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Gibbons	Griesheimer	Gross	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--24
Absent--Senators			
Goode--1			
Absent with leave--Senators			
DePasco	Klindt--2		

Senator Scott offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 2, Section 137.298, Line 13, by inserting after the word "county" the following: "of the first classification with a charter form of government;"; and

Further amend said bill, page 2, Section 137.298, line 20, by removing the brackets, delete the words "of such, **county**, city or **township**" and add the words "or the treasurer ex officio collector;"; and

Further amend said bill, page 2, Section 137.298, line 28, by removing the brackets and insert the words "or the treasurer ex officio collector of the" after the word "revenue"; and

Further amend said bill, page 3, section 137.298, line 1, by inserting at the end of said line the following: "The

collector of revenue or treasurer ex officio collector of the city or county shall remit to the appropriate political subdivision all fees and fines, including traffic and parking violations collected less two percent for administrative costs."

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 117, Section 304.035, Line 13, by inserting immediately after said line the following:

"304.351. 1. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided, however, there is no form of traffic control at such intersection.

2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn.

3. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

4. **(1)** The state highways and transportation commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

[(1)] (2) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this section:

(a) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such traffic is moving across or within the intersection.

5. The driver of a vehicle about to enter or cross a highway from an alley, building or any private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

6. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

7. The state highways and transportation commission or local authorities with respect to roads under their respective jurisdictions, on any section where construction or major maintenance operations are being effected, may fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of section 304.010.

8. Notwithstanding the provisions of section 304.361, violation of this section shall be deemed a class C misdemeanor.

9. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused physical injury, there shall be assessed a surcharge of up to two hundred dollars. The court may issue an order of suspension of such persons driving privilege for a period of thirty days.

10. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused serious physical injury, there shall be assessed a surcharge of up to five hundred dollars. The court may issue an order of suspension of such persons driving privilege for a period of ninety days.

11. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused a fatality, there shall be assessed a surcharge of up to one thousand dollars. The court may issue an order of suspension of such persons driving privilege for a period of six months.

12. The surcharges imposed pursuant to subsections 9, 10, and 11 of this subsection shall be collected and distributed by the clerk of the court as provided in sections 488.010 to 488.020, RSMo. The surcharges collected pursuant to subsections 9, 10, and 11 of this section shall be credited to the motorcycle safety trust fund established under section 302.137, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 136, Section 389.610, Lines 6-11, by deleting all of the new language on said lines.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **HB 327**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **SCS** for **HB 327**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel

Wheeler	Yeckel--30
	NAYS--Senators--None
	Absent--Senators
Bland	Coleman--2
	Absent with leave--Senators
DePasco	Klindt--2

Senator Shields assumed the Chair.

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bray	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	NAYS--Senator Bartle--1		
	Absent--Senators		
Bland	Dougherty	Kennedy--3	
	Absent with leave--Senators		
DePasco	Klindt--2		

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HS** for **SS No. 2** for **SB 695**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 257**, with **SCS**, entitled:

An Act to repeal sections 147.120, 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof four new sections relating to tax credits.

Was called from the Informal Calendar and taken up by Senator Cauthorn.

SCS for **HS** for **HCS** for **HB 257**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 257

An Act to repeal sections 143.121, 147.120, 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof nineteen new sections relating to agricultural tax credits.

Was taken up.

Senator Cauthorn moved that **SCS** for **HS** for **HCS** for **HB 257** be adopted.

Senator Cauthorn offered **SS** for **SCS** for **HS** for **HCS** for **HB 257**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 257

An Act to repeal sections 143.121, 148.330, 348.015, 348.430, 348.432, 644.016, and 644.051, RSMo, and to enact in lieu thereof twenty-four new sections relating to agriculture, with penalty provisions.

Senator Cauthorn moved that **SS** for **SCS** for **HS** for **HCS** for **HB 257** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 257, Page 25, Section 348.432, Line 9, by inserting after all of said line the following:

"430.030. 1. Every person who furnishes labor or material on any horse, mule or other animal, who shall obtain a written memorandum of the work or material furnished, or to be furnished, signed by the owner of such horse, mule or other animal, shall have a lien for the amount of such work or material as is ordered or stated in such written memorandum. **The provisions of this section shall include liens against livestock for veterinary care for any payments overdue by one calendar year.**

2. Such lien shall be on such horse, mule or other animal as shall be placed in the possession of the person furnishing the labor or material; provided, however, that for labor and material furnished on more than one horse, mule or other animal belonging to the same owner, the person furnishing such labor and material may, at his option, have a lien on any one or more of such horses, mules or other animals for the amount of labor and material furnished on all of such horses, mules and other animals belonging to such owner."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for

House Bill No. 257, Page 14, Section 261.800, Line 14 of said page, by inserting immediately after said line the following:

"340.216. 1. It is unlawful for any person not licensed as a veterinarian under the provisions of sections 340.200 to 340.330 to practice veterinary medicine or to do any act which requires knowledge of veterinary medicine for valuable consideration, or for any person not so licensed to hold himself or herself out to the public as a practitioner of veterinary medicine by advertisement, the use of any title or abbreviation with the person's name, or otherwise; except that nothing in sections 340.200 to 340.330 shall be construed as prohibiting:

(1) Any person from gratuitously providing emergency treatment, aid or assistance to animals where a licensed veterinarian is not available within a reasonable length of time if the person does not represent himself or herself to be a veterinarian or use any title or degree appertaining to the practice thereof;

(2) Acts of a person who is a student in good standing in a school or college of veterinary medicine or while working as a student preceptee, in performing duties or functions assigned by the student's instructors, or while working under the appropriate level of supervision of a licensed veterinarian as is consistent with the particular delegated animal health care task as established by board rule, and acts performed by a student in a school or college of veterinary medicine recognized by the board and performed as part of the education and training curriculum of the school under the supervision of the faculty. The unsupervised or unauthorized practice of veterinary medicine, even though on the premises of a school or college of veterinary medicine, is prohibited;

(3) Personnel employed by the United States Department of Agriculture or the Missouri department of agriculture from engaging in animal disease, parasite control or eradication programs, or other functions specifically required and authorized to be performed by unlicensed federal or state officials under any lawful act or statute, except that this exemption shall not apply to such persons not actively engaged in performing or fulfilling their official duties and responsibilities;

(4) Any merchant or manufacturer from selling drugs, medicine, appliances or other products used in the prevention or treatment of animal diseases if such drug, medicine, appliance or other product is not marked by the appropriate federal label. Such merchants or manufacturers shall not, either directly or indirectly, attempt to diagnose a symptom or disease in order to advise treatment, use of drugs, medicine, appliances or other products;

(5) The owner of any animal or animals and the owner's full-time employees from caring for and treating any animals belonging to such owner, with or without the advice and consultation of a licensed veterinarian, provided that the ownership of the animal or animals is not transferred, or employment changed, to avoid the provisions of sections 340.200 to 340.330; however, only a licensed veterinarian may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance, except as otherwise provided for by board rule;

(6) Any graduate of any accredited school of veterinary medicine while engaged in a veterinary candidacy program or foreign graduate from a nonaccredited school or college of veterinary medicine while engaged in a veterinary candidacy program or clinical evaluation program, and while under the appropriate level of supervision of a licensed veterinarian performing acts which are consistent with the particular delegated animal health care task;

(7) State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof from conducting experiments and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment, or techniques for the diagnosis or treatment of human ailments, or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine;

(8) Any veterinary technician, duly registered by, and in good standing with, the board from administering medication, appliances or other products for the treatment of animals while under the appropriate level of supervision as is consistent with the delegated animal health care task; and

(9) A consulting veterinarian while working in a consulting capacity in Missouri while under the immediate

supervision of a veterinarian licensed and in good standing under sections 340.200 to 340.330.

2. Nothing in sections 340.200 to 340.330 shall be construed as limiting the board's authority to provide other exemptions or exceptions to the requirements of licensing as the board may find necessary or appropriate under its rulemaking authority.

3. Notwithstanding any other provisions of sections 340.200 to 340.330, rule or regulation to the contrary, nothing shall prohibit a licensed physical therapist or their assistant from providing rehabilitation services on animals pursuant to a written prescription of a licensed veterinarian."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Clemens offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Substitute for House Bill No. 257, Page 39, Section 644.583, Line 3 of said page, by inserting after all of said line the following:

"644.600. Sections 644.600, 644.625, 644.630, 644.635 and 644.650 shall only apply to class IA facilities which use a flush system.

644.603. For the purposes of sections 644.600 to 644.655, the following terms mean:

(1) "Animal feeding operation" or "AFO", a lot or facility, other than an aquatic animal production facility, where the following conditions are met:

(a) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and

(b) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility;

(2) "Class I", the same meaning as a large concentrated animal feeding operation as that term is defined in 40 C.F.R. Section 122.23(b)(4) as of April 14, 2003;

(3) "Class IA", any concentrated animal feeding operation with a capacity of at least seven times the number of animals as described in the definition of a large concentrated animal feeding operation as that term is defined in 40 C.F.R. Section 122.23(b)(4) as of April 14, 2003;

(4) "Class IB", any concentrated animal feeding operation with a capacity of at least three but less than seven times the number of animals as described in the definition of a large concentrated animal feeding operation as that term is defined in 40 C.F.R. Section 122.23(b)(4) as of April 14, 2003;

(5) "Class IC", any concentrated animal feeding operation with a capacity of at least one but less than three times the number of animals as described in the definition of a large concentrated animal feeding operation as that term is defined in 40 C.F.R. Section 122.23(b)(4) as of April 14, 2003;

(6) "Class II", the same meaning as a medium concentrated animal feeding operation as that term is defined in 40 C.F.R. Section 122.23(b)(6) as of April 14, 2003;

(7) "Concentrated animal feeding operation" or "CAFO", an AFO that is defined as a class I CAFO or class II CAFO, or is designated as a CAFO in accordance with subsection 2 of section 644.610. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of

animals at an operation if such AFOs adjoin each other or use a common area or system for the disposal of waste;

(8) "Department", the department of natural resources;

(9) "Facility", any class IA concentrated animal feeding operation which uses a flush system;

(10) "Flush system", an automated system of moving or removing manure utilizing liquid as the primary agent as opposed to a primarily mechanical or manually operated system such as a pull plug or scraper system;

(11) "Liquified animal waste handling facility", any concentrated animal feeding operation that stores animal waste in a lagoon, including all gravity outfall lines, recycle pump stations, and recycle force mains;

(12) "Sensitive areas", areas in the watershed located within five miles upstream of any stream or river drinking water intake structure, other than those intake structures on the Missouri and Mississippi rivers.

644.610. 1. The clean water commission shall have the authority and jurisdiction to regulate the establishment, permitting, design, construction, operation, and management of any class I concentrated animal feeding operation. The clean water commission shall promulgate rules regulating the establishment, permitting, design, construction, operation, and management of any class I concentrated animal feeding operations. Such rules may require monitoring wells on a site-specific basis when, in the determination of the division of geological survey and resource assessment, class IA concentrated animal feeding operation lagoons are located in hydrologically sensitive areas where the quality of groundwater may be compromised. Such rules and regulations shall be designed to afford a prudent degree of environmental protection while accommodating modern agricultural practices.

2. The department may designate an AFO as a concentrated animal feeding operation upon determining that it is a significant contributor of pollutants to waters of the state.

(1) In making this designation, the department shall consider the following factors:

(a) The size of the AFO and the amount of wastes reaching waters of the state;

(b) The location of the AFO relative to waters of the state;

(c) The means of conveyance of animal wastes and process wastes into waters of the state;

(d) The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes manure and process waste into waters of the state; and

(e) Other relevant factors.

(2) No AFO shall be designated under this subsection unless the department has conducted an on-site inspection of the operation and determined that the operation should and could be regulated as a concentrated animal feeding operation. In addition, no AFO with numbers of animals below a class II concentrated animal feeding operation shall be designated as a CAFO.

644.615. 1. Prior to filing an application to acquire a construction permit from the department for a new facility or for an increase of animal units to an existing facility, the owner or operator of any class IA concentrated animal feeding operation shall provide the following information to the department, to the county governing body, and to all adjoining property owners of property located within one and one-half times the buffer distance as specified in subsection 4 of section 644.610:

(1) The number of animals anticipated at such IA facility;

(2) A general description of the waste handling plan and layout of the facility;

(3) The location and number of acres of such facility;

(4) Name, address, telephone number, and registered agent or other appropriate contact for further information as it relates to subdivisions (1) to (3) of this subsection;

(5) A statement explaining that the department will accept written comments from the public for a period of thirty days after the department places the draft permit on public notice; and

(6) The address of the department's regional or state office.

2. The department shall require proof of such notification prior to processing an application for a construction permit. Proof of notification shall consist of a statement certifying that the notification was accomplished by mailing a letter to the department, the county governing body, and to all adjoining property owners as described in subsection 1 of this section at their last known address as maintained by the county assessor's office.

3. The department shall not issue a permit to a facility described in subsection 1 of this section to engage in any activity regulated by the department unless the applicant is substantially in compliance with sections 644.600 to 644.655.

4. The department shall issue a permit or respond with a letter of comment to permit applicants within forty-five days of receiving a completed permit application.

644.617. Notwithstanding any other provision of law to the contrary, any corporation or cooperative engaged in farming, as defined in section 350.010, RSMo, shall not be eligible for any state tax credits, deductions, state grants, loans, or other financial or economic assistance, unless a family farm or a family farm corporation, as defined in section 350.010, RSMo, receives such credits, deductions, grants, loans, or other assistance. This section does not apply to agricultural processing or food processing facilities.

644.625. 1. The owner or operator of any class IA liquified animal waste handling facility utilizing a flush system shall employ one or more persons who shall visually inspect the liquified animal waste handling facility for unauthorized discharge and structural integrity of any lagoon with a water level less than eighteen inches below the emergency spillway at least every twelve hours with a deviation of not to exceed three hours. The owner or operator of the facility shall keep records of each inspection. Such records shall be retained for three years. The department shall provide or approve a form provided by the owner or operator for each facility for such inspections.

2. All new construction permits for liquified animal waste handling facilities utilizing a flush system shall have an electronic or mechanical shutoff of the system in the event of pipe stoppage. As of July 1, 1997, all existing liquified animal waste handling facilities utilizing a flush system shall have, at a minimum, an electronic or mechanical shutoff of the system in the event of pipe stoppage or backflow.

644.630. 1. The owner or operator of every liquified animal waste handling facility utilizing a flush system that poses a risk as determined by the department to any public drinking water supply or any aquatic life, or lies within a drainage basin and is within three hundred feet of any adjacent landowner, shall have a failsafe containment structure or earthen dam that will contain, in the event of an unauthorized discharge, a minimum volume equal to the maximum capacity of flushing in any twenty-four hour period from all gravity outfall lines, recycle pump station and recycle force mains.

2. Construction of such structure or dam, as provided in subsection 1 of this section, shall commence within ninety days of June 25, 1996.

644.635. Within twenty-four hours, any unauthorized discharge by a class IA concentrated animal feeding operation that has crossed the property line of the facility or any unauthorized discharge by a class IA

concentrated animal feeding operation that utilizes a flush system of which the failsafe containment structure or earthen dam has failed to contain and has crossed the property line of the facility, or enters waters of the state shall be reported to the department and to all adjoining property owners of the facility onto whose property the unauthorized discharge flowed.

644.640. There is hereby established in the state treasury the "Concentrated Animal Feeding Operation Indemnity Fund", to be known as the "fund" for the purposes of sections 644.640 to 644.647. All fees or other moneys payable pursuant to the provisions of section 644.645 or other moneys received including gifts, grants, appropriations, and bequests from federal, private, or other sources made for the purpose of the provisions of sections 644.600 to 644.655, shall be payable to and collected by the director of the department of natural resources and deposited in this fund. The money in this fund, upon appropriation, shall be expended to close class IA, class IB, class IC and class II concentrated animal feeding operations as defined in the department's rules, that have been placed in the control of the government due to bankruptcy or failure to pay property taxes, or if the class IA, class IB, class IC or class II concentrated animal feeding operation is abandoned property. "Abandoned property", for the purposes of this section, means real property previously used for, or which has the potential to be used for, agricultural purposes which has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and has been vacant for a period of not less than three years. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be deposited in the fund. Any unexpended balance in the fund at the end of any appropriation period shall not be transferred to the general revenue fund and, accordingly, shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer.

644.645. 1. The owner or operator of each class IA concentrated animal feeding operation utilizing a liquified animal waste handling facility shall remit to the department of natural resources a fee of ten cents per animal unit permitted to be deposited in the fund. The fee is due and payable to the department on the first anniversary of issuance of each owner or operator permit to operate such a facility and for nine years thereafter on the same date. The department of natural resources shall provide forms which such owner or operator shall use to file and pay this fee.

2. The fund shall be administered by the department for the purpose of carrying out the provisions of sections 644.600 to 644.655, relating to closure of class IA, class IB, class IC and class II concentrated animal feeding operation wastewater lagoons.

3. The fund administrators may only expend moneys for animal waste lagoon closure activities on real property which:

- (1)** Has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and pose a threat to human health, the environment, or a threat to groundwater; and
- (2)** The state, county, or municipal government, or an agency thereof, has made reasonable and prudent efforts to sell said property to a qualifying purchaser.

4. The fund administrators shall expend no more than one hundred thousand dollars per lagoon for animal waste lagoon closure activities. The fund administrators shall only expend those moneys necessary to achieve a minimum level of closure and still protect human health and the environment. Closure activities shall include lagoon dewatering and removal of animal waste sludge, if any, both of which shall be land applied at a nutrient management application rate designed to minimize phosphorus and nitrogen transport from fields to surface waters in compliance with the technical standards for nutrient management established by the director or otherwise used or disposed of in a manner approved by the director. After dewatering, lagoons which are located in a drainage basin and are capable of meeting all applicable pond requirements of the Natural

Resources Conservation Service (NRCS) with minimal additional expense should be maintained as a pond. Otherwise, the lagoon berms should be breached and graded in such a manner to reasonably conform to the surrounding land contours.

644.647. In the event the department determines that a class IA, class IB, class IC or class II concentrated animal feeding operation has been successfully closed by the owner or operator, all moneys paid by such operation into the concentrated animal feeding operation indemnity fund shall be returned to such operation.

644.650. The department shall conduct at least one on-site inspection of each facility quarterly.

644.655. 1. No rule or portion of a rule promulgated under the authority of sections 644.600 to 644.655 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

2. Sections 644.600 to 644.655 shall be administered by the clean water commission pursuant to the provisions and requirements of this chapter.

3. The provisions of sections 644.600 to 644.655 shall not be construed to apply to any livestock market.

644.657. The provisions of this act shall not be construed to apply to any livestock market."; and

Further amend said bill, Page 44, Section 1, Line 15 of said page, by inserting after all of said line the following:

"[640.700. Sections 640.700, 640.725, 640.730, 640.735 and 640.750 shall only apply to class IA facilities as defined by the department rules in effect as of January 30, 1996, which use a flush system.]

[640.703. For the purposes of sections 640.700 to 640.755, the following terms mean:

- (1) "Animal units", shall be defined by rules of the department in effect as of January 30, 1996;
- (2) "Animal waste wet handling facility", includes all gravity outfall lines, recycle pump stations, recycle force mains and appurtenances;
- (3) "Class IA", any concentrated animal feeding operation with a capacity of seven thousand animal units or more;
- (4) "Class IB", any concentrated animal feeding operation with a capacity between three thousand animal units and six thousand nine hundred and ninety-nine animal units inclusive;
- (5) "Class IC", any concentrated animal feeding operation with a capacity between one thousand animal units and two thousand nine hundred and ninety-nine animal units inclusive;
- (6) "Class II", any concentrated animal feeding operation with a capacity of at least three hundred animal units, but less than one thousand animal units;
- (7) "Department", the department of natural resources;
- (8) "Facility", any class IA concentrated animal feeding operation which uses a flush system;
- (9) "Flush system", a system of moving or removing manure utilizing liquid as the primary agent as opposed to a primarily mechanical or automatic device;
- (10) "Sensitive areas", areas in the watershed located within five miles upstream of any stream or river drinking water intake structure, other than those intake structures on the Missouri and Mississippi rivers.]

[640.710. 1. The department shall promulgate rules regulating the establishment, permitting, design, construction, operation and management of class I facilities. The department shall have the authority and jurisdiction to regulate the establishment, permitting, design, construction, operation and management of any class I facility. Such rules may

require monitoring wells on a site-specific basis when, in the determination of the division of geology and land survey, class IA concentrated animal feeding operation lagoons are located in hydrologically sensitive areas where the quality of groundwater may be compromised. Such rules and regulations shall be designed to afford a prudent degree of environmental protection while accommodating modern agricultural practices.

2. Except as provided in subsections 3 and 4 of this section, the department shall require at least but not more than the following buffer distances between the nearest confinement building or lagoon and any public building or occupied residence, except a residence which is owned by the concentrated animal feeding operation or a residence from which a written agreement for operation is obtained:

- (1) For concentrated animal feeding operations with at least one thousand animal units, one thousand feet;
- (2) For concentrated animal feeding operations with between three thousand and six thousand nine hundred ninety-nine animal units inclusive, two thousand feet; and
- (3) For concentrated animal feeding operations of seven thousand or more animal units, three thousand feet.

3. All concentrated animal feeding operations in existence as of June 25, 1996, shall be exempt from the buffer distances prescribed in subsection 2 of this section. Such distances shall not apply to concentrated animal feeding operations which have received a written agreement which has been signed by all affected property owners within the buffer distance.

4. The department may, upon review of the information contained in the site plan including, but not limited to, the prevailing winds, topography and other local environmental factors, authorize a distance which is less than the distance prescribed in subsection 2 of this section. The department's recommendation shall be sent to the governing body of the county in which such site is proposed. The department's authorized buffer distance shall become effective unless the county governing body rejects the department's recommendation by a majority vote at the next meeting of the governing body after the recommendation is received.

5. Nothing in this section shall be construed as restricting local controls.]

[640.715. 1. Prior to filing an application to acquire a construction permit from the department, the owner or operator of any class IA, class IB, or class IC concentrated animal feeding operation shall provide the following information to the department, to the county governing body and to all adjoining property owners of property located within one and one-half times the buffer distance as specified in subsection 2 of section 640.710 for the size of the proposed facility:

- (1) The number of animals anticipated at such facility;
- (2) The waste handling plan and general layout of the facility;
- (3) The location and number of acres of such facility;
- (4) Name, address, telephone number and registered agent for further information as it relates to subdivisions (1) to (3) of this subsection;
- (5) Notice that the department will accept written comments from the public for a period of thirty days; and
- (6) The address of the regional or state office of the department.

The department shall require proof of such notification upon accepting an application for a construction permit. The department shall accept written comments from the public for thirty days after receipt of application for construction permit.

2. The department shall not issue a permit to a facility described in subsection 1 of this section to engage in any activity regulated by the department unless the applicant is in compliance with sections 640.700 to 640.755.

3. The department shall issue a permit or respond with a letter of comment to the owner or operator of such facility within forty-five days of receiving a completed permit application and verification of compliance with subsection 1 of this section.]

[640.725. 1. The owner or operator of any flush system animal waste wet handling facility shall employ one or more persons who shall visually inspect the animal waste wet handling facility and lagoons for unauthorized discharge and structural integrity at least every twelve hours with a deviation of not to exceed three hours. The owner or operator of the facility shall keep records of each inspection. Such records shall be retained for three years. The department shall provide or approve a form provided by the owner or operator for each facility for such inspections.

2. All new construction permits for flush system animal waste wet handling facilities shall have an electronic or mechanical shutoff of the system in the event of pipe stoppage. As of July 1, 1997, all existing flush system animal waste wet handling facilities shall have, at a minimum, an electronic or mechanical shutoff of the system in the event of pipe stoppage or backflow.]

[640.730. 1. The owner or operator of every facility, with a flush system animal waste wet handling facility that poses a risk as determined by the department to any public drinking water supply or any aquatic life, or lies within a drainage basin and is within three hundred feet of any adjacent landowner, shall have a failsafe containment structure or earthen dam that will contain, in the event of an unauthorized discharge, a minimum volume equal to the maximum capacity of flushing in any twenty-four hour period from all gravity outfall lines, recycle pump station and recycle force mains.

2. Construction of such structure or dam, as provided in subsection 1 of this section, shall commence within ninety days of June 25, 1996.]

[640.735. Within twenty-four hours, any unauthorized discharge by a flush system animal waste wet handling facility that has crossed the property line of the facility or any unauthorized discharge by a flush system animal waste wet handling facility of which the failsafe containment structure or earthen dam has failed to contain and has crossed the property line of the facility, or enters waters of the state shall be reported to the department and to all adjoining property owners of the facility as listed on the site-specific permit.]

[640.740. There is hereby established in the state treasury the "Concentrated Animal Feeding Operation Indemnity Fund", to be known as the "fund" for the purposes of sections 640.740 to 640.747. All fees or other moneys payable pursuant to the provisions of section 640.745 or other moneys received including gifts, grants, appropriations, and bequests from federal, private or other sources made for the purpose of the provisions of this act shall be payable to and collected by the director of the department of natural resources and deposited in this fund. The money in this fund, upon appropriation, shall be expended to close class IA, class IB, class IC and class II concentrated animal feeding operations as defined in the department's rules, that have been placed in the control of the government due to bankruptcy or failure to pay property taxes, or if the class IA, class IB, class IC or class II concentrated animal feeding operation is abandoned property. "Abandoned property", for the purposes of this section, means real property previously used for, or which has the potential to be used for, agricultural purposes which has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and has been vacant for a period of not less than three years. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be deposited in the fund. Any unexpended balance in the fund at the end of any appropriation period shall not be transferred to the general revenue fund and, accordingly, shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer.]

[640.745. 1. The owner or operator of each class IA concentrated animal feeding operation utilizing flush systems shall remit to the department of natural resources a fee of ten cents per animal unit permitted to be deposited in the fund. The fee is due and payable to the department on the first anniversary of issuance of each owner or operator permit to operate such a facility and for nine years thereafter on the same date. The department of natural resources shall provide

forms which such owner or operator shall use to file and pay this fee.

2. The fund shall be administered by the department for the purpose of carrying out the provisions of sections 640.700 to 640.755, relating to closure of class IA, class IB, class IC and class II concentrated animal feeding operation wastewater lagoons.

3. The fund administrators may only expend moneys for animal waste lagoon closure activities on real property which:

(1) Has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and pose a threat to human health, the environment, or a threat to groundwater; and

(2) The state, county, or municipal government, or an agency thereof, has made reasonable and prudent efforts to sell said property to a qualifying purchaser.

4. The fund administrators shall expend no more than one hundred thousand dollars per lagoon for animal waste lagoon closure activities. The fund administrators shall only expend those moneys necessary to achieve a minimum level of closure and still protect human health and the environment. Closure activities shall include lagoon dewatering and removal of animal waste sludge, if any, both of which shall be land applied at a nutrient management application rate based on the most limiting nutrient as determined by Missouri clean water commission regulation. After dewatering, lagoons which are located in a drainage basin and are capable of meeting all applicable pond requirements of the Natural Resources Conservation Service (NRCS) with minimal additional expense should be maintained as a pond. Otherwise, the lagoon berms should be breached and graded in such a manner to reasonably conform to the surrounding land contours.]

[640.747. In the event the department determines that a class IA, class IB, class IC or class II concentrated animal feeding operation has been successfully closed by the owner or operator, all moneys paid by such operation into the concentrated animal feeding operation indemnity fund shall be returned to such operation.]

[640.750. The department shall conduct at least one on-site inspection of each facility quarterly.]

[640.755. 1. No rule or portion of a rule promulgated under the authority of sections 640.700 to 640.755 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

2. Sections 640.700 to 640.755 shall be administered by the clean water commission pursuant to the provisions and requirements of chapter 644, RSMo.]

[640.758. The provisions of this act shall not be construed to apply to any livestock market.]" ; and

Further amend the title and enacting clause accordingly.

Senator Clemens moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn moved that **SS** for **SCS** for **HS** for **HCS** for **HB 257**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SS** for **SCS** for **HS** for **HCS** for **HB 257**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon

Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
DePasco	Klindt--2		

Senator Bartle assumed the Chair.

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 189 was placed on the Informal Calendar.

HS for **HCS** for **HB 121**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 640**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Emancipation Day.

Was taken up by Senator Days.

On motion of Senator Days, **HCS** for **HB 640** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 688**, with **SCS**, was placed on the Informal Calendar.

HB 593 was placed on the Informal Calendar.

HS for **HCS** for **HB 455**, with **SCS**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for prostheses and scalp hair prostheses.

Was taken up by Senator Kinder.

SCS for **HS** for **HCS** for **HB 455**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 455

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for prostheses and scalp hair prostheses.

Was taken up.

Senator Kinder moved that **SCS** for **HS** for **HCS** for **HB 455** be adopted.

Senator Foster offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 455, Page 2, Section 376.1222, Line 31, by inserting after all of said line the following:

"Section 1. Notwithstanding any other law or regulation to the contrary, any health carrier, as defined in section 376.1350, RSMo, may offer, as an option, one or more health benefit plans which contain deductibles, coinsurance, coinsurance differentials, or variable copayments. Nothing in this section shall be construed as precluding a health carrier from covering any mandated health benefits as required by state or federal law."; and

Further amend the title and enacting clause accordingly.

Senator Foster moved that the above amendment be adopted.

At the request of Senator Foster, **SA 1** was withdrawn.

Senator Kinder moved that **SCS** for **HS** for **HCS** for **HB 455** be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **HS** for **HCS** for **HB 455** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross

Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Goode	Quick--2		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Cauthorn moved that the Senate refuse to concur in **HCS** for **SB 39**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 598**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, and has taken up and passed **CCS** for **SS** for **HS** for **HCS** for **HBs 679** and **396**.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1006, regarding the Missouri Federation of Square and Round Dancers, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1007, regarding Edward M. "Bud" Larson, Mexico, which was adopted.

Senator Kinder offered Senate Resolution No. 1008, regarding David Jimenez, M.D., F.A.C.S., F.A.A.P., which was adopted.

Senator Mathewson offered Senate Resolution No. 1009, regarding the One Hundredth Birthday of Erma Freese, Concordia, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 228**, as amended. Representatives: Pearce, Wood, Bearden, Graham and Walsh.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HB 198** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 12** and requests the Senate take up and pass **HCS** for **SB 12**.

PRIVILEGED MOTIONS

Senator Nodler moved that the Senate refuse to recede from its position on **SS** for **HB 198**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Gross moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Shields moved that the Senate refuse to concur in Conference Committee Report on **SS** for **HS** for **HCS** for **HBs 679 and 396**, as amended, and grant the House a further conference thereon and that the conferees be allowed to exceed the differences on Section 210.201, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HB 198**, as amended: Senators Nodler, Bartle, Shields, Caskey and Mathewson.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342**, as amended: Senators Gross, Yeckel, Loudon, Goode and Bray.

PRIVILEGED MOTIONS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 248, 100, 118, 233, 247, 341, and 420

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341, & 420, with House Amendment Nos. 1, 2 & 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341, & 420, as amended;
- 2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341, & 420;
- 3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341, & 420, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charles R. Gross
/s/ John T. Russell
/s/ Delbert Scott
/s/ Ed Quick
/s/ Wayne Goode

FOR THE HOUSE:

/s/ Todd Smith
/s/ Tom Dempsey
/s/ Scott Rupp
/s/ D. J. Davis
/s/ Esther Haywood

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Dolan--2		

DePasco
Absent with leave--Senators
Klindt--2

On motion of Senator Gross, **CCS** for **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341 and 420**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 248, 100, 118, 233, 247, 341 and 420

An Act to repeal sections 84.140, 86.251, 86.690, 104.010, 104.040, 104.110, 104.271, 104.340, 104.370, 104.460, 104.517, 104.1003, 104.1021, 104.1024, 104.1051, 104.1072, 104.1093, 169.712, and 287.845, RSMo, and to enact in lieu thereof twenty-seven new sections relating to the retirement systems and benefits, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan--2		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None
Absent--Senator Dolan--1
Absent with leave--Senators
Klindt--2

DePasco

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 11**, entitled:

An Act to repeal sections 34.070, 34.073, 99.820, 99.845, 137.100, 143.121, 144.030, and 260.830, RSMo, and to enact in lieu thereof fourteen new sections relating to taxation, with an emergency clause and a termination date for a certain section.

With House Amendments Nos. 1, 2, 3, House Substitute Amendment No. 1 for House Amendment No. 4 and House Amendment No. 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 3, Section 21.810, Lines 14 through 16 by deleting the words "**, including the internal organization, management, powers, duties and functions of the departments, commissions, and offices**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 42, Section 99.845, Line 5, by inserting after all of said line the following:

"135.630. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) "Director", the director of the department of social services;

(3) "Pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall apply to all tax years beginning after December 31, 2003.

135.631. On or after July 1, 2006, taxpayers shall be permitted to redeem tax credits they can claim pursuant to section 135.630. Prior to July 1, 2006, taxpayers shall only be permitted to redeem tax credits they can claim pursuant to section 135.630 if the director of revenue has reallocated other state tax credits to section 135.630. The director shall reallocate such other state tax credits if by law they are limited to a maximum amount during a specified time period, and such amount has not been fully redeemed or is not reasonably expected to be fully redeemed."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 42, Section 99.845, Line 5, by inserting after said line the following:

"135.478. As used in sections 135.481 to 135.487, the following terms mean:

- (1) "Department", the department of economic development;
- (2) "Director", the director of the department of economic development;
- (3) "Distressed community", as defined in section 135.530;
- (4) "Eligible costs for a new residence", expenses incurred for property acquisition, development, site preparation other than demolition, surveys, architectural and engineering services and construction and all other necessary and incidental expenses incurred for constructing a new market rate residence, which is or will be owner-occupied, which is not replacing a national register listed or local historic structure; except that, costs paid for by the taxpayer with grants or forgivable loans, other than tax credits, provided pursuant to state or federal governmental programs are ineligible;
- (5) "Eligible costs for rehabilitation", expenses incurred for the renovation or rehabilitation of an existing residence including site preparation, surveys, architectural and engineering services, construction, modification, expansion, remodeling, structural alteration, replacements and alterations; except that, costs paid for by the taxpayer with grants or forgivable loans other than tax credits provided pursuant to state or federal governmental programs are ineligible;
- (6) "Eligible residence", a single-family residence forty years of age or older, located in this state and not within a distressed community as defined by section 135.530, which is occupied or intended to be or occupied long-term by the owner or offered for sale at market rate for owner-occupancy and which is either located within a United States census block group which, if in a metropolitan statistical area, has a median household income of less than ninety percent, but greater than or equal to seventy percent of the median household income for the metropolitan statistical area in which the census block group is located, or which, if located within a United States census block group in a nonmetropolitan area, has a median household income of less than ninety percent, but greater than or equal to seventy percent of the median household income for the nonmetropolitan areas in the state;
- (7) "Flood plain", any land or area susceptible to being inundated by water from any source or located in a one hundred-year flood plain area determined by Federal Emergency Management Agency mapping as subject to flooding;
- (8) "New residence", a residence constructed on land which if located within a distressed community has either been vacant for at least two years or is or was occupied by a structure which has been condemned by the local entity in

which the structure is located or which, if located outside of a distressed community but within a census block group as described in subdivision (6) or (10) of this section, either replaces a residence forty years of age or older demolished for purposes of constructing a replacement residence, or which is constructed on vacant property which has been classified for not less than forty continuous years as residential or utility, commercial, railroad or other real property pursuant to article X, section 4(b) of the Missouri Constitution, as defined in section 137.016, RSMo; **or, if in a county of the third classification without a township form of government and with more than fifty-four thousand two hundred but not less than fifty-four thousand three hundred residents, or a county of the first classification without a charter form of government with a population of more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred residents, vacant property classified as residential or agricultural or horticultural property, as defined in section 137.016, RSMo, and is located within the limits of the city or is served by a municipal sanitary sewer service;** except that, no new residence shall be constructed in a flood plain or on property used for agricultural purposes, **except as otherwise provided in this section.** In a distressed community, the term "new residence" shall include condominiums, owner-occupied units or other units intended to be owner-occupied in multiple unit structures **or as separate adjacent single-family units;**

(9) "Project", new construction, rehabilitation or substantial rehabilitation of a residence that qualifies for a tax credit pursuant to sections 135.475 to 135.487;

(10) "Qualifying residence", a single-family residence, forty years of age or older, located in this state which is occupied or intended to be occupied long-term by the owner or offered for sale at market rate for owner-occupancy and which is located in a metropolitan statistical area or nonmetropolitan statistical area within a United States census block group which has a median household income of less than seventy percent of the median household income for the metropolitan statistical area or nonmetropolitan area, respectively, or which is located within a distressed community. A qualifying residence shall include a condominium or residence within a multiple residential structure or a structure containing multiple single-family residences which is located within a distressed community;

(11) "Substantial rehabilitation", rehabilitation the costs of which exceed fifty percent of either the purchase price or the cost basis of the structure immediately prior to rehabilitation; provided that, the structure is at least fifty years old notwithstanding any provision of sections 135.475 to 135.487 to the contrary;

(12) "Tax liability", the tax due pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo;

(13) "Taxpayer", any person, partnership, corporation, trust or limited liability company."

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 47, Section 143.121, Line 1, by inserting immediately after said line the following: "and,

(h) For all tax years beginning on or after January 1, 2003, the amount of any income received for military service."

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 42, Section 137.100, Line 18 by inserting after said line the following:

"(5) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverts, the property must revert back to the interstate compact agency. Property will no longer be exempt pursuant to this subdivision in the event of a conveyance as of the date, if

any, when:

- (a) **The right of the interstate compact agency to use, control, and possess the property is terminated;**
- (b) **The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and**
- (c) **There is no provision for reverter of the property within the limitation period for reverters.; and renumber said section accordingly; and**

Further amend said bill, Page 62, Section 144.030, Line 13 by inserting after said line the following:

"(38) All sales or other transfers of tangible personal property to a lessor, who leases the property under a lease of one year or longer executed or in effect at the time of the sale or transfer, to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo."; and

Further amend said bill, Page 64, Section 144.049, Line 17 by inserting after said line the following:

"144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

- (1) Property, the storage, use or consumption of which this state is prohibited from taxing [under] **pursuant to** the constitution or laws of the United States or of this state;
- (2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed [under] **pursuant to** the Missouri sales tax law;
- (3) Tangible personal property, the sale **or other transfer** of which, if made in this state, would be exempt from or not subject to the Missouri sales tax [under] **pursuant to** the provisions of subsections 2 and 3 of section 144.030;
- (4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section 144.440;
- (5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;
- (6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;
- (7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state."; and

Further amend the title, enacting clause, and intersection references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 11**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 445, with **SCS**, entitled:

An Act to repeal sections 210.115 and 352.400, RSMo, and to enact in lieu thereof two new sections relating to Christian Science practitioners.

Was called from the Informal Calendar and taken up by Senator Loudon.

SCS for **HB 445**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 445

An Act to repeal sections 210.115, 210.937, and 352.400, RSMo, and to enact in lieu thereof three new sections relating to child protection.

Was taken up.

Senator Loudon moved that **SCS** for **HB 445** be adopted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 445, Page 3, Section 210.937, Lines 1-2, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SCS** for **HB 445**, as amended, be adopted, which motion prevailed.

Senator Loudon moved that **SCS** for **HB 445**, as amended, be read the 3rd time and finally passed.

Senator Loudon was recognized to close.

Senator Gibbons moved that **SCS** for **HB 445**, as amended, be referred to the Committee on Governmental Accountability and Fiscal Oversight, which motion prevailed.

PRIVILEGED MOTIONS

Senator Gross moved that **SCS** for **SB 675**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 675**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 675

An Act to repeal sections 33.080, 166.300, 339.105, and 374.150, RSMo, and to enact in lieu thereof five new sections relating to certain special funds, with penalty provisions and an emergency clause and an effective date for a certain section.

Was taken up.

Senator Gross moved that **HCS** for **SCS** for **SB 675**, as amended, be adopted.

At the request of Senator Gross, the above motion was withdrawn.

Senator Yeckel moved that **SS** for **SCS** for **SB 346**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 346**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 346

An Act to repeal sections 30.270, 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 364.030, 364.105, 365.030, 367.140, 367.509, 369.159, 400.9-525, 407.433, 408.140, 408.233, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.500, 408.653, 408.654, and 447.510, RSMo, and to enact in lieu thereof thirty-two new sections relating to banking, with penalty provisions.

Was taken up.

Senator Yeckel moved that **HCS** for **SS** for **SCS** for **SB 346** be adopted.

Senator Jacob offered a substitute motion that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 346** and request the House to recede from its position and pass **SS** for **SCS** for **SB 346** or, failing to do so, grant the Senate a conference thereon and requested a roll call vote be taken. He was joined in his request by Senators Days, Kennedy, Quick and Wheeler.

The substitute motion failed of adoption by the following vote:

YEAS--Senators			
Bray	Coleman	Days	Dougherty
Goode	Jacob	Kennedy	Quick
Stoll	Wheeler--10		
NAYS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
Absent--Senator Bland--1			
Absent with leave--Senators			
DePasco	Klindt--2		

Senator Yeckel moved that **HCS** for **SS** for **SCS** for **SB 346** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster

Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators

DePasco Klindt--2

On motion of Senator Yeckel, **HCS** for **SS** for **SCS** for **SB 346** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland Dougherty--2

Absent with leave--Senators

DePasco Klindt--2

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 469**, entitled:

An Act to repeal sections 32.056, 43.530, 50.640, 115.157, 221.070, 454.470, 455.027, 455.075, 455.504, 455.536, 478.610, 483.015, 483.083, 488.2250, 488.2253, 488.4014, 488.5320, 494.425, 511.350, 535.030, 565.084, 590.653, 595.045, and 595.050, RSMo, and to enact in lieu thereof twenty-eight new sections relating to court personnel and their duties, with an expiration date and penalty provisions.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 469, Page 12, Section 217.860, Line 4, by deleting from said line the word "and"; and

Further amend said page and section, Line 9, by deleting the period "." on said line and inserting in lieu thereof the following: "; **and**

(8) The president of the Missouri Association of Prosecuting Attorneys."; and

Further amend said bill, Page 13, Section 429.011, by deleting all of said section; and

Further amend said bill, Page 24, Section 483.015, Line 14, by inserting after the period on said line the following:

"This subsection shall expire upon adoption by any city not within a county, by charter or pursuant to Article VI, Section 20, of the Missouri constitution, of a provision for a different method of selection of the circuit clerk of said city not within a county than is provided in this subsection."; and

Further amend the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 469, Page 52, Line 24, by inserting after all of said line the following:

"590.653. 1. Each city, county and city not within a county may establish a civilian review board, or may use an existing civilian review board which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses. Each member, during his or her entire term, shall:

(1) Be at least eighteen years of age; and

(2) Be a registered voter residing within the city, county, or city not within a county; and

(3) As a result of the criminal history background check, not have been convicted of or pled guilty or nolo contendere to or have been found guilty of a crime under the laws of the state of Missouri, of any other state, of the United States, or of any other country, whether or not a sentence is or was imposed.

2. The board shall have the power to receive, investigate, make findings and recommend disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendations."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the conferees on **SS** for **HB 198**, as amended. Representatives: Stevenson, Lipke, Mayer, Jolly and Carnahan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the conferees on **SS** for **SCS** for **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342**, as amended. Representatives: Portwood, Lembke, Deeken, Hilgemann and Abel.

PRIVILEGED MOTIONS

Senator Bartle moved that the Senate refuse to concur in **HS** for **HCS** for **SB 469**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 688**, with **SCS**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto eleven new sections relating to the life sciences research trust fund.

Was called from the Informal Calendar and taken up by Senator Kinder.

SCS for **HCS** for **HB 688**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 688

An Act to amend chapter 196, RSMo, by adding thereto eleven new sections relating to the life sciences research trust fund.

Was taken up.

Senator Kinder moved that **SCS** for **HCS** for **HB 688** be adopted.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 688, Page 1, Section 196.1100, Line 10, by inserting after "196.1130" the following: "**without a majority vote in each house of the general assembly**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Foster offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 688, Page 3, Section 196.1106, Line 30, by inserting immediately after the word "institutions" the following: ", **agricultural research**".

centers dedicated to the development of plant-made pharmaceuticals,".

Senator Foster moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 688, Page 12, Section 196.1130, Line 3, by inserting after all of said line the following:

"Section 1. Any bank account, included but not limited to the Life Sciences Research Trust Fund created pursuant to section 196.1100, RSMo, with an average daily balance of ten thousand dollars or more, containing state funds, shall be obtained through an open and competitive bid process."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Kinder moved that **SCS** for **HCS** for **HB 688**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **HCS** for **HB 688** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senator Bland-- 1			
Absent--Senators			
Dougherty	Quick	Russell--3	
Absent with leave--Senators			
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Cauthorn requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the Committee on Governmental Accountability and Fiscal Oversight to meet while the Senate is in session, which request was granted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HS** for **SS** for **SCS** for **SBs 361, 103, 156 and 329**, entitled:

An Act to repeal sections 260.273, 319.125, 319.127, 319.139, 393.015, 640.100, 640.115, 640.605, 640.615, 640.620, 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.740, 640.745, 640.747, 640.750, 640.755, 640.758, 643.078, 644.016, and 644.051, RSMo, section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof seventy-six new sections relating to waste, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7 and House Amendment No. 7, as amended.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 361, 103, 156 & 329, Page 124, Section 6, Lines 5 to 12 of said page, by deleting all of said section; and

Further amend said bill in the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 361, 103, 156 & 329, Page 2, Section 204.600, Line 22 of said page, by inserting a comma "," after the number "**204.472**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 361, 103, 156 & 329, Page 66, Section 393.1000, Line 12 of said page, by deleting the words: "**that is less than sixteen inches in diameter**"; and

Further amend said bill, Page 72, Section 393.1006, Lines 9 and 10 of said page, by deleting all of said lines.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156, & 329, Pages 60 to 62, Section 393.015, by deleting all of said section; and

Further amend said bill, Pages 62 to 65, Section 393.018, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 361, 103, 156 & 329, Page 2, Section A, Line 15 of said page, by inserting immediately after all of said line the following:

"64.907. 1. Any county subject to Environmental Protection Agency rules 40 C.F.R. Parts 9, 122, 123, and 124 concerning storm water discharges is authorized to adopt rules, regulations, or ordinances reasonably necessary to comply with such federal regulations including but not limited to rules, regulations, or ordinances which promote the best storm water management practices in regulating storm water discharges established by the Environmental Protection Agency.

2. Any county adopting rules, regulations, or ordinances under subsection 1 of this section is authorized to establish by rule, regulation, or ordinance a storm water control utility or other entity to administer any such rules, regulations, or ordinances adopted under subsection 1 of this section which shall include authority to impose user fees to fund the administration of such rules, regulations, or ordinances.

3. Any county adopting rules, regulations, or ordinances under subsection 1 of this section is authorized to establish by rule, regulation, or ordinance a storm water control utility tax in such amount as is deemed reasonable and necessary to fund public storm water control projects if such tax is approved by majority of the votes cast.

4. The tax authorized in this section shall be in addition to the charge for the storm water control and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for storm water control. Such tax shall be stated separately from all other charges and taxes.

5. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for storm water control in (name of city) at a rate of (insert rate of percent) percent for the sole purpose of storm water control?

[] YES [] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question." ; and

Further amend said bill in the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 361, 103, 156 & 329, Pages 123 and 124, Section 5, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 361, 103, 156 & 329, Page 1, Section 250.140, Line 8, by inserting at the end of said line the following:

"Nothing herein shall affect any party's remedy pursuant to any written contract."

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 361, 103, 156 & 329, Page 48, Line 20, by inserting after said line the following:

"250.140. [1.] In the case of privately owned property, sewerage services or water and sewerage services combined shall be deemed to be furnished to [both] the occupant [and owner] of the premises receiving such service and the city, town or village or sewer district rendering such services shall have power to sue the occupant [or owner, or both,] of such real estate in a civil action to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.

[2. If the occupant of the premises receives the billing, any notice of termination of service shall be send to both the occupant and owner of the premises receiving such service, if such owner has requested in writing to receive any notice of termination and has provided the entity rendering such service with the owner's business addresses.]"; and

Further amend the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS No. 2** for **SB 695**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HB 327** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 173**, as amended: Senators Quick, Champion, Shields, Childers and Wheeler.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS No. 2** for **SB 695**, as amended: Senators Goode, Russell, Gross, Shields and Dougherty.

PRIVILEGED MOTIONS

Senator Dolan moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 327**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Childers assumed the Chair.

Senator Steelman moved that the Senate refuse to concur in **HS** for **SS** for **SCS** for **SBs 361, 103, 156 and 329**, as amended, and request the House to recede from its position and grant the Senate a conference thereon, and further that the conferees be allowed to exceed the differences by adding a provision to allow a vote on the expansion of a sewer district and to provide notice to the owners of that expansion, which motion prevailed.

Senator Shields moved that **SCS** for **SB 358**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 358**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 358

An Act to repeal section 115.073, RSMo, and to enact in lieu thereof one new section relating to general expenses of elections paid by certain political subdivisions.

Was taken up.

Senator Shields moved that **HCS** for **SCS** for **SB 358** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators		
DePasco	Klindt--2		

On motion of Senator Shields, **HCS** for **SCS** for **SB 358** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators		
DePasco	Klindt--2		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 327**, as amended: Senators Dolan, Steelman, Gross, Stoll and Mathewson.

PRIVILEGED MOTIONS

Senator Gross moved that **SS** for **SCS** for **SB 30**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 30**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 30

An Act to amend chapter 210, RSMo, by adding thereto two new sections relating to missing persons, with penalty provisions.

Was taken up.

Senator Gross moved that **HCS** for **SS** for **SCS** for **SB 30**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Mathewson	Quick--2		
Absent with leave--Senators			
DePasco	Klindt	Scott--3	

On motion of Senator Gross, **HCS** for **SS** for **SCS** for **SB 30**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Nodler	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Mathewson	Quick--3	
Absent with leave--Senators			
DePasco	Klindt	Scott--3	

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HB 445**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Loudon moved that **SCS** for **HB 445**, as amended, be called from the Informal Calendar and taken up for third reading and final passage, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HB 445**, as amended, was read the third time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Nodler	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland	Mathewson	Quick--3
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Absent with leave--Senators

DePasco	Klindt	Scott--3
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The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Yeckel moved that **SB 243**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 243**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 243

An Act to amend chapter 37, RSMo, by adding thereto two new sections relating to the creation of the property preservation fund, with an emergency clause.

Was taken up.

Senator Yeckel moved that **HCS** for **SB 243** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Nodler	Quick	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Mathewson--2		
	Absent with leave--Senators		
DePasco	Klindt	Scott--3	

On motion of Senator Yeckel, **HCS** for **SB 243** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators		
DePasco	Klindt	Scott--3	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Steelman

Stoll	Vogel	Wheeler	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan	Dougherty--3	
	Absent with leave--Senators		
DePasco	Klindt	Scott--3	

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SS No. 2**, for **SB 695**, as amended. Representatives: Bearden, Lager, Purgason, Campbell and Page.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 39**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 39**, as amended. Representatives: Mayer, Hobbs, Goodman, Kelly 36 and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HCS** for **HB 138** and requests the Senate take up and pass **HCS** for **HB 138**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HCS** for **HB 73** and requests the Senate take up and pass **HCS** for **HB 73**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, and the conferees be allowed to exceed the differences on Section 210.201.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 11**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 11**, as amended. Representatives: Shoemaker, Sutherland, Rupp, Page and Willoughby.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 469**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 469**, as amended. Representatives: Byrd, Pratt, Stevenson, Kratky and Johnson 90.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **HB 286**, as amended by **HPA 1**.

HOUSE PERFECTING AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 286, Page 2, Section 208.478, Line 9, by deleting the numeral "**70-10.010**" and inserting in lieu thereof the following: "**70-15.010**".

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCR 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HB 668**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HB 668**.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 11**, as amended: Senators Kinder, Vogel, Bartle, Stoll and Coleman.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 39**, as amended: Senators Cauthorn, Yeckel, Dolan, Wheeler and Mathewson.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 469**, as amended: Senators Bartle, Caskey, Coleman, Yeckel and Nodler.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 121**, with **SCS**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to health insurance coverage for chiropractic care.

Was called from the Informal Calendar and taken up by Senator Shields.

SCS for **HS** for **HCS** for **HB 121**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 121

An Act to repeal sections 354.085, 354.405, and 354.603, RSMo, and to enact in lieu thereof five new sections relating to managed care chiropractic services.

Was taken up.

Senator Shields moved that **SCS** for **HS** for **HCS** for **HB 121** be adopted.

Senator Shields offered **SS** for **SCS** for **HS** for **HCS** for **HB 121**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 121

An Act to repeal sections 354.085, 354.405, and 354.603, RSMo, and to enact in lieu thereof five new sections relating to managed care chiropractic services.

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 121** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 121, Page 11, Section 354.603, Line 13, by repealing section 376.995 and inserting one new section enacted in lieu thereof, to be known as sections 376.995, to read as follows:

376.995. 1. This section shall be known as the "Limited Mandate Health Insurance Act".

2. Limited mandate health insurance policies and contracts shall mean those policies and contracts of health insurance as defined in section 376.960 and which cover individuals and their families (but not including any Medicare supplement policy or contract) and groups sponsored by an employer who employs fifty or fewer persons.

3. Notwithstanding any other provision of law to the contrary, no law requiring the coverage of a particular health care

service or benefit, or requiring the reimbursement, utilization or inclusion of a specific category of licensed health care practitioner, shall apply to limited mandate health insurance policies and contracts[, except the following provisions:

- (1) Subsection 1 of section 354.095, RSMo, to the extent that it regulates maternity benefits;
- (2) Section 375.995, RSMo;
- (3) Section 376.406;
- (4) Section 376.428;
- (5) Section 376.782;
- (6) Section 376.816;
- (7) Section 376.1210;
- (8) Section 376.1215; and

(9) Section 376.1219]. **The requirements contained in this section for benefits provided under limited mandate health insurance policies and contracts shall be the exclusive requirements for such policies and contracts.**

4. In order for an insurer as defined in section 376.960 to be eligible to market, sell or issue limited mandate health insurance, the insurer shall:

(1) [Restrict its marketing and sales efforts to only those persons or groups as defined in subsection 2 of this section which currently do not have health insurance coverage or to those persons or employers which certify in writing to the insurer that they will terminate the coverage they currently have at the time they would otherwise renew coverage because of cost;

(2)] Fully and clearly disclose to the person or group to whom the limited mandate health insurance policy or contract is to be issued that the reason coverage for this product is less expensive than other coverage is because the policy or contract does not contain coverages or health professional payment mechanisms that are required by subsection 3 of this section;

[(3)] **(2)** Clearly disclose in all sales, promotional and advertising material related thereto that the product is a limited mandate health insurance policy or contract.

5. The provisions of section 376.441 shall not apply to any group which replaces its current coverage with a limited mandate health insurance policy or contract if the benefit to be extended is one for services which are not covered by the replacing policy or contract.

6. Notwithstanding any other provision of this section to the contrary, the provisions of paragraph (b) of subdivision (11) of section 375.936, RSMo, shall apply to limited mandate health insurance policies with respect to physician services covered under such policies, which can be provided by persons licensed pursuant to section 332.181, RSMo.

Senator Loudon moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 1** goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Loudon, **SA 1** was withdrawn, rendering the point of order moot.

Senator Days offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 121, Page 3, Section 354.085, Line 1, by inserting after the word "advisable" the following:

1. No health carrier as defined in section 376.1350, RSMo, including preferred provider organizations, health maintenance organizations, independent physician associations, or any other entity that contracts with physicians for health care, shall change or attempt to change any code submitted by the physician for health services without the express written permission of the physician involved and without the examination of the patient record to determine the services provided by the physician. In the event of a dispute, the health carrier shall provide and establish procedures for resolution of the dispute between the physician and health carrier.
2. Every contract between a health carrier or other organization and a physician shall specifically set forth the codes that represent the specific covered health services for which the physician shall be responsible and for which the health carrier or other organization shall provide compensation, remuneration or reimbursement from and the fee, compensation, remuneration or reimbursement for each such code. The code shall refer to the most recent American Medical Association code book and other recognized codes as adopted and used in the Medicare and Medicaid programs of the state and federal government.

1. No health carrier as defined in section 376.1350 shall enter into or renew any contract with any health care provider that provides that the health care provider shall pay to the health carrier any fee, commission, rebate, or other form of compensation that is based in whole or in part on any amount due from the health carrier for the provision of health care services.

Senator Days moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 2** is out of order, as it goes beyond the title, scope and purpose of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Days, **SA 2** was withdrawn, rendering the point of order moot.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 121, Page 1, In the Title, Line 4 of the title, by striking "managed care chiropractic services" and inserting in lieu thereof the following: "health insurance"; and

Further amend said bill, Page 11, Section 354.603, Line 13 of said page, by inserting after all of said line the following:

"376.1221. 1. Every health insurer and health benefit plan, as defined in section 376.1350, offering health benefit plans that are delivered, issued for delivery, continued, or renewed after January 1, 2004, shall provide coverage for hearing aids and associated hearing evaluations and consumable supplies that are prescribed and dispensed by appropriately licensed professionals to dependent children through age nineteen under a policy, contract, or plan.

2. The hearing aids covered pursuant to this section shall:

(1) Be an electronic, wearable device designed for the purpose of aiding or compensating for human hearing loss and any parts, attachments, or accessories, including earmolds;

(2) Be of a design and circuitry to optimize audibility and listening skills in the environment commonly

experienced by children; and

(3) Have multiple-band wide dynamic range compression and direct audio input compatibility.

3. The coverage provided by this section shall include coverage for replacement hearing aids for the child at least once every three years.

4. A health insurer or health benefit plan subject to this section shall not cap the benefit payable for hearing aids to less than one thousand two hundred fifty dollars per hearing aid for each ear with a hearing loss. An insured or enrollee may choose a hearing aid that costs more than the benefit payable and may pay the difference between the cost of the hearing aid and the benefit payable without financial or contractual penalty to the provider of the hearing aid.

5. Nothing in this section shall prohibit a health insurer or health benefit plan from providing coverage that is greater than or more favorable to enrollees than the coverage provided by this section.

6. The health care service required by this section shall not be subject to a deductible or co-payment that exceeds twenty percent of the actual covered service costs. No health insurer or health benefit plan subject to this section shall request or require hearing acuity information from or about persons applying for coverage.

7. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

8. The director of the department of insurance may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 3** is out of order, as it goes beyond the title, scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 3 was again taken up.

At the request of Senator Caskey, **SA 3** was withdrawn.

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 121, Page 12, Section 376.1231, Line 27, by inserting after all of said line the following:

"430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381, or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.

[430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries caused by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.]; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Dougherty offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for House Bill No. 121, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 376.429, RSMo, and to enact in lieu thereof three new sections relating to health insurance coverage."; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 376.429, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 376.429, 376.1230, and 376.1231, to read as follows:

376.429. 1. All health benefit plans, as defined in section 376.1350, that are delivered, issued for delivery, continued or renewed on or after August 28, 2002, and providing coverage to any resident of this state shall provide coverage for routine patient care costs as defined in subsection 6 of this section incurred as the result of phase **I, II, III, or IV** of a clinical trial that is approved by an entity listed in subsection 4 of this section and is undertaken for the purposes of the prevention, early detection, or treatment of cancer.

2. In the case of treatment under a clinical trial, the treating facility and personnel must have the expertise and training

to provide the treatment and treat a sufficient volume of patients. There must be equal to or superior, noninvestigational treatment alternatives and the available clinical or preclinical data must provide a reasonable expectation that the treatment will be superior to the noninvestigational alternatives.

3. Coverage required by this section shall include coverage for routine patient care costs incurred for drugs and devices that have been approved for sale by the Food and Drug Administration (FDA), regardless of whether approved by the FDA for use in treating the patient's particular condition, including coverage for reasonable and medically necessary services needed to administer the drug or use the device under evaluation in the clinical trial.

4. Subsections 1 and 2 of this section requiring coverage for routine patient care costs shall apply to clinical trials that are approved or funded by one of the following entities:

- (1) One of the National Institutes of Health (NIH);
- (2) An NIH cooperative group or center as defined in subsection 6 of this section;
- (3) The FDA in the form of an investigational new drug application;
- (4) The federal Departments of Veterans' Affairs or Defense;
- (5) An institutional review board in this state that has an appropriate assurance approved by the Department of Health and Human Services assuring compliance with and implementation of regulations for the protection of human subjects (45 CFR 46); or
- (6) A qualified research entity that meets the criteria for NIH Center support grant eligibility.

5. An entity seeking coverage for treatment, prevention, or early detection in a clinical trial approved by an institutional review board under subdivision (5) of subsection 4 of this section shall maintain and post electronically a list of the clinical trials meeting the requirements of subsections 2 and 3 of this section. This list shall include: the phase for which the clinical trial is approved; the entity approving the trial; [whether the trial is for the treatment of cancer or other serious or life-threatening disease, and if not cancer, the particular disease;] and the number of participants in the trial. If the electronic posting is not practical, the entity seeking coverage shall periodically provide payers and providers in the state with a written list of trials providing the information required in this section.

6. As used in this section, the following terms shall mean:

- (1) "Cooperative group", a formal network of facilities that collaborate on research projects and have an established NIH-approved Peer Review Program operating within the group, including the NCI Clinical Cooperative Group and the NCI Community Clinical Oncology Program;
- (2) "Multiple project assurance contract", a contract between an institution and the federal Department of Health and Human Services (DHHS) that defines the relationship of the institution to the DHHS and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects;
- (3) "Routine patient care costs", shall include coverage for reasonable and medically necessary services needed to administer the drug or device under evaluation in the clinical trial. Routine patient care costs include all items and services that are otherwise generally available to a qualified individual that are provided in the clinical trial except:
 - (a) The investigational item or service itself;
 - (b) Items and services provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient; and
 - (c) Items and services customarily provided by the research sponsors free of charge for any enrollee in the trial.

7. For the purpose of this section, providers participating in clinical trials shall obtain a patient's informed consent for

participation on the clinical trial in a manner that is consistent with current legal and ethical standards. Such documents shall be made available to the health insurer upon request.

8. The provisions of this section shall not apply to a policy, plan or contract paid under Title XVIII or Title XIX of the Social Security Act.

9. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, or other limited benefit health insurance policies."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 5** is out of order, as it goes beyond the title, scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Loudon offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 121, Page 12, Section 376.1231, Line 27 of said page, by inserting after all of said line the following:

"376.1578. As used in sections 376.1578 to 376.1593, unless otherwise specifically provided, the following terms shall mean:

(1) "Appropriate committees of the general assembly" or "committees", standing committees of the Missouri state senate and house of representatives that have jurisdiction over issues that regulate health carriers, health care facilities, health care providers, or health care services;

(2) "Health carrier" or "carrier" shall have the same meaning as ascribed in section 376.1350;

(3) "Mandated health benefit", "mandated benefit", or "benefit", coverage or offering required by law to be provided by a health carrier to:

(a) Cover a specific health care service or services;

(b) Cover treatment of a specific condition or conditions; or

(c) Contract, pay, or reimburse specific categories of health care providers for specific services; a mandated option is not a mandated health benefit;

(4) "Mandated benefit review commission", the commission established pursuant to section 376.1581.

376.1581. 1. There is hereby established a commission to be known as the "Mandated Health Benefit Review Commission" within the department of insurance. The commission shall consist of the following members:

(1) The director of the department of insurance who shall serve in a nonvoting advisory capacity;

(2) The director of the department of health and senior services who shall serve in a nonvoting advisory capacity;

(3) Two members of the Missouri house of representatives, one from each major political party represented in the house of representatives, appointed by the speaker of the house;

- (4) Two members of the senate, one from each major political party represented in the senate, appointed by the president pro tem of the senate;**
- (5) One member representing the interests of employers having more than one hundred employees, appointed by the governor with the advice and consent of the senate;**
- (6) One member representing the interests of employers having less than one hundred employees, appointed by the governor with the advice and consent of the senate;**
- (7) Two individual purchasers of health insurance policies, appointed by the governor with the advice and consent of the senate;**
- (8) Two employees that pay a percentage of their health insurance sponsored by their employers, appointed by the governor with the advice and consent of the senate; and**
- (9) An insurance producer who is licensed to sell health insurance policies, appointed by the governor with the advice and consent of the senate.**

2. Members appointed by the governor shall serve for four-year terms and until their successors are appointed; provided however, that the terms of four of the seven original appointees shall be for two years. Other members, except legislative members, shall serve for as long as they hold the position which made them eligible for appointment. Legislative members shall serve during their current term of office but may be reappointed.

3. Members of the commission shall not be compensated for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties. The office of administration and the departments of health and insurance shall provide such support as the commission requires to aid it in the performance of its duties. The commission may consult with experts from the health research, biostatistics, actuarial science and other areas the commission deems appropriate.

4. The members appointed by the governor shall be residents of Missouri. Any vacancy on the commission shall be filled in the same manner as the original appointment.

5. The commission shall be established by October 1, 2003.

376.1584. 1. After the mandated health benefit review commission has been established pursuant to section 376.1581, the commission shall review all existing state mandated health benefits and issue a report to the president pro tem of the senate, the speaker of the house of representatives, and the respective committees in both houses which handle health and insurance issues. The commission shall review the projected costs of all existing state and federal mandated health benefits. The report shall state the costs of all current state and federal mandated benefits and recommend to the general assembly whether any current mandated health benefits should be repealed from state law.

2. The commission shall submit the report described in subsection one of this section to the general assembly no later than the tenth legislative day of the session beginning in January, 2005. Upon submittal, the general assembly may introduce legislation implementing the recommendations of the mandated benefit review commission.

376.1587. Every proposed legislative measure containing a mandated health benefit, with the exception of appropriation bills, introduced into either house of the general assembly shall, before being acted upon, be submitted to the mandated health benefit review commission for the preparation of a report as described in section 376.1593. The report prepared by the mandated benefit review commission shall accompany the fiscal note prepared for the bill containing the mandated health benefit throughout its course of passage.

376.1590. If a bill is heard in a committee and the bill contains a mandated health benefit which was not contained in the introduced version of the bill, the appropriate committee of the general assembly having

jurisdiction over the bill shall determine the level of support for the legislative proposal among the members of the committee. If there is support for the proposed mandate among a majority of the members of the committee, the committee may refer the proposal to the mandated health benefit review commission for review and evaluation pursuant to section 376.1593. The committee having jurisdiction over the legislative proposal shall prescribe the time period in which the report must be completed pursuant to section 376.1593. Upon completion of a review and evaluation, the committee shall review the findings of the mandated health benefit review commission. Such report shall accompany the bill throughout its course of passage.

376.1593. Upon submission of a legislative proposal pursuant to section 376.1590 or upon referral of a mandated health benefit proposal from the appropriate committee of the general assembly having jurisdiction over the proposal, the mandated health benefit review commission shall conduct a review and evaluation of the mandated health benefit proposal and shall issue a report of its findings to the committee. The report shall include, at the minimum and to the extent that information is available, the following:

- (1) The social impact of mandating the benefit, including:**
 - (a) The extent to which the treatment or service is utilized by a significant portion of the population;**
 - (b) The extent to which the treatment or service is available to the population;**
 - (c) The extent to which insurance coverage for this treatment or service is already available;**
 - (d) If coverage is not generally available, the extent to which the lack of coverage results in persons being unable to obtain necessary health care treatment;**
 - (e) If the coverage is not generally available, the extent to which the lack of coverage results in unreasonable financial hardship on those persons needing treatment;**
 - (f) The level of public demand and the level of demand from providers for the treatment or service;**
 - (g) The level of public demand and the level of demand from the providers for individual or group insurance coverage of the treatment or service;**
 - (h) The level of interest in and the extent to which collective bargaining organizations are negotiating privately for inclusion of this coverage in group contracts;**
 - (i) The likelihood of achieving the objectives of meeting a consumer need as evidenced by the experience of other states;**
 - (j) The relevant findings of the state health planning agency or the appropriate health system agency relating to the social impact of the mandated benefit;**
 - (k) The alternatives to meeting the identified need;**
 - (l) Whether the benefit is a medical or a broader social need and whether it is consistent with the role of health insurance and the concept of managed care;**
 - (m) The impact of any social stigma attached to the benefit upon the market;**
 - (n) The impact of this benefit on the availability of other benefits currently being offered;**
 - (o) The impact of the benefit as it relates to employers shifting to self-insured plans and the extent to which the benefit is currently being offered by employers with self-insured plans; and**
 - (p) The impact of making the benefit applicable to the state employee health insurance program established pursuant to chapter 103, RSMo;**

(2) The financial impact of mandating the benefit, including:

- (a) The extent to which the proposed insurance coverage would increase or decrease the cost of the treatment or service over the next five years;**
- (b) The extent to which the proposed coverage may increase the appropriate or inappropriate use of the treatment or service over the next five years;**
- (c) The extent to which the mandated treatment or service may serve as an alternative for more expensive or less expensive treatment or service;**
- (d) The methods that will be instituted to manage the utilization and costs of the proposed mandate;**
- (e) The extent to which the insurance coverage may affect the number and types of providers of the mandated treatment or service over the next five years;**
- (f) The extent to which insurance coverage of the health care service or provider may be reasonably expected to increase or decrease the insurance premium and administrative expenses of policyholders;**
- (g) The impact of indirect costs, which are costs other than premiums and administrative costs, on the question of the costs and benefits of coverage;**
- (h) The impact of this coverage on the total cost of health care, including potential benefits and savings to insurers and employers because the proposed mandated treatment or service prevents disease or illness or leads to the early detection and treatment of disease or illness that is less costly than treatment or service for later stages of a disease or illness;**
- (i) The effects of mandating the benefit on the cost of health care, particularly the premium and administrative expenses and indirect costs, to employers and employees, including the financial impact on small employers, medium-sized employers and large employers; and**
- (j) The effect of the proposed mandate on cost-shifting between private and public payors of health care coverage and on the overall cost of the health care delivery system in this state;**

(3) The medical efficacy of mandating the benefit, including:

- (a) The contribution of the benefit to the quality of patient care and the health status of the population, including the results of any research demonstrating the medical efficacy of the treatment or service compared to alternatives or not providing the treatment or service; and**
- (b) If the legislation seeks to mandate coverage of an additional class of practitioners:**
 - a. The results of any professionally acceptable research demonstrating the medical results achieved by the additional class of practitioners relative to those already covered; and**
 - b. The methods of the appropriate professional organization that assure clinical proficiency; and**

(4) The effects of balancing the social, economic and medical efficacy considerations, including:

- (a) The extent to which the need for coverage outweighs the costs of mandating the benefit for all policyholders;**
- (b) The extent to which the problem of coverage may be solved by mandating the availability of the coverage as an option for policyholders; and**
- (c) The cumulative impact of mandating this benefit in combination with existing mandates on the costs and**

availability of coverage.

376.1595. Beginning July 1, 2004, any mandated health benefit approved by the general assembly after such date shall apply only to the Missouri consolidated health care plan established in chapter 103, RSMo, for a period of at least one year beginning with the first anniversary date of the Missouri consolidated health care plan subsequent to the approval of the mandated health benefit by the general assembly. On or before March first, after the one-year period for which the mandate has been applied, the board of trustees of the Missouri consolidated health care plan shall submit to the president pro tem of the senate and the speaker of the house of representatives a report indicating the impact such mandated coverage has had on the Missouri consolidated health care plan, including data on the utilization and costs of such mandated coverage. Such report shall also include a recommendation on whether such mandated coverage should continue for the Missouri consolidated health care plan or whether additional utilization and cost data is required."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 6** is out of order, as it goes beyond the title, scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 121**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **HS** for **HCS** for **HB 121**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Dolan	Quick--3	
Absent with leave--Senators			
DePasco	Klindt	Scott--3	

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Cauthorn moved that the Senate conferees on **HCS** for **SB 39**, as amended, be allowed to exceed the differences by closing the loophole that allows persistent drug offenders who are convicted of selling methamphetamine or other controlled substances near a school or public housing to be eligible for parole, which

motion prevailed.

Senator Gross moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 675**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Yeckel moved that **SS** for **HCS** for **HB 73**, as amended, be taken up for third reading and final passage, which motion prevailed.

Senator Yeckel moved that the Senate recede from its position on **SS** for **HCS** for **HB 73**, as amended.

At the request of Senator Yeckel, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 39**, as amended, and grants the Senate a conference thereon and the conferees be allowed to exceed the differences by closing the loophole that allows persistent drug offenders who are convicted of selling methamphetamine or other controlled substances near a school or public housing to be eligible for parole.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 38**, entitled:

An Act to amend chapters 196 and 640, RSMo, by adding thereto twelve new sections relating to biotechnology.

With House Amendments Nos. 4, 5 and 6.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 38, Page 18, Section 196.1130, Line 22, by inserting after all of said line the following:

"565.305. 1. As used in this section, the following terms and phrases shall mean:

(1) "Clone a human being" or "cloning a human being", the creation of a human being by any means other than by the fertilization of an oocyte of a human female by a sperm of a human male;

(2) "Cloned human being", a human being created by human cloning;

(3) "Public employee", any person employed by the state of Missouri or any agency or political subdivision thereof;

(4) "Public facilities", any public institution, public facility, public equipment, or any physical asset owned, leased, or controlled by the state of Missouri or any agency or political subdivision thereof;

(5) "Public funds", any funds received or controlled by the state of Missouri or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state, or local taxes, gifts, or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.

2. No person shall knowingly clone a human being or participate in cloning a human being.

3. No person shall knowingly use public funds to clone a human being or attempt to clone a human being.

4. No person shall knowingly use public facilities to clone a human being or attempt to clone a human being.
5. No public employee shall knowingly allow any person to clone a human being or attempt to clone a human being while making use of public funds or public facilities.
6. Any person who violates the provisions of subsections 2 to 5 of this section is guilty of a class B felony.
7. The laws of this state shall be interpreted and construed to acknowledge on behalf of a cloned human being at every stage of development, all the rights, privileges, and immunities available to other persons, citizens, and residents of this state, subject only to the Constitution of the United States and decisional interpretations thereof by the United States Supreme Court and specific provisions to the contrary in the statutes and constitution of this state."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 38, Page 1, Section 196.1100, Line 17, by deleting the words "**state treasurer**" and inserting in lieu thereof the following: "**office of administration**"; and

Further amend said bill, in the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 38, Page 12, Section 196.1121, Line 23, by inserting after the word "**policy.**" the following: "**State of Missouri and**"; and

Further amend said page, Line 24, by inserting after the word "**awards**" the following: ", **through negotiations between the parties,**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 199**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 199**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 38**, as amended, and request the House to recede from its position and take up and pass **SCS** for **SB 38**, which motion prevailed.

Senator Shields moved that the conferees on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, be allowed to exceed the differences in Section 43.540, subsection 3, subdivision (2), by adding after the word "provider" "if a national criminal record review is requested", which motion prevailed.

Senator Cauthorn moved that **SS** for **HCS** for **HB 138**, as amended, be taken up for third reading and final passage, which motion prevailed.

Senator Cauthorn moved that the Senate recede from its position on **SS** for **HCS** for **HB 138**, as amended, which motion prevailed.

On motion of Senator Cauthorn, **HCS** for **HB 138** was read a third time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Goode	Quick--2		
	Absent with leave--Senators		
DePasco	Klindt	Scott--3	

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Cauthorn, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 39**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 39

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 39, with House Amendments Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 39, as amended;
2. That the Senate recede from its position on Senate Bill No. 39;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 39, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Cauthorn
/s/ Anita Yeckel
/s/ Jon Dolan
/s/ Charles Wheeler
/s/ Jim Mathewson

FOR THE HOUSE:

/s/ Robert Mayer
/s/ Steve Hobbs
/s/ Jack A. L. Goodman
/s/ Gary Kelly
/s/ Rachel Bringer

Senator Cauthorn moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senator Goode-- 1			
Absent with leave--Senators			
DePasco	Klindt	Scott--3	

On motion of Senator Cauthorn, **CCS** for **HCS** for **SB 39**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 39

An Act to repeal sections 195.211, 195.214, 195.218, 195.417, and 650.105, RSMo, and to enact in lieu thereof nine new sections relating to methamphetamine, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senator Goode-- 1			
Absent with leave--Senators			
DePasco	Klindt	Scott--3	

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell moved that **SS No. 2** for **SS** for **SCS** for **SB 2**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SS No. 2** for **SS** for **SCS** for **SB 2**, as amended, entitled:

HOUSE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 2

An Act to repeal sections 285.300, 286.020, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.121, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof sixteen new sections relating to employees, with an emergency clause and penalty provisions.

Was taken up.

Senator Shields assumed the Chair.

Senator Russell moved that **HS** for **SS No. 2** for **SS** for **SCS** for **SB 2**, as amended, be adopted.

At the request of Senator Russell, the above motion was withdrawn.

Senator Russell moved that the Senate refuse to concur in **HS** for **SS No. 2** for **SS** for **SCS** for **SB 2**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Bartle moved that **SB 184**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 184**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 184

An Act to repeal sections 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 195.505, 210.903, 210.909, 210.922, 210.937, 221.320, 221.340, 221.350, 589.400, 589.407, 589.414, 610.120, 610.123 and 630.170, and to enact in lieu thereof twenty-three new sections relating to criminal records, with penalty provisions.

Was taken up.

Senator Bartle moved that **HS** for **HCS** for **SB 184**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross

Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Goode Vogel--2

Absent with leave--Senators

DePasco Klindt Scott--3

On motion of Senator Bartle, **HS** for **HCS** for **SB 184**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senator Coleman--1

Absent with leave--Senators

DePasco Klindt Scott--3

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Kinder moved that **SB 12**, with **HCS**, be taken up for third reading and final passage, which motion prevailed.

HCS for **SB 12**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 12

An Act to amend chapter 1, RSMo, by adding thereto two new sections relating to prohibition of interference with the free exercise of religion.

Was taken up.

President Maxwell assumed the Chair.

Senator Kinder moved that **HCS** for **SB 12** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Russell--1		
	Absent with leave--Senators		
DePasco	Klindt	Scott--3	

On motion of Senator Kinder, **HCS** for **SB 12**, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel		Wheeler	Yeckel--31
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
DePasco	Klindt	Scott--3	

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended: Senators Shields, Foster, Champion, Dougherty and Kennedy.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended. Representatives: Hanaway, Wright, Stevenson, Wilson 42 and Fraser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 327**, as amended. Representatives: Lipke, Schlottach, Crawford, Green 15 and Daus.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HB 208** and has taken up and passed **SS** for **SCS** for **HB 208**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 675** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 675**. Representatives: Cooper 120, Icet, Goodman, Zweifel and Hilgemann.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended for **HS** for **HCS** for **HB 121** and has taken up and passed **SS** for **SCS** for **HS** for **HCS** for **HB 121**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended for **HB 598** and has taken up and passed **SS** for **SCS** for **HB 598**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended for **HCS** for **HB 688** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, be granted further conference and that the conferees be allowed to exceed the differences by allowing them to add in Section 43.540(5)(3)(2), after the word "provider", the words "if a national criminal record review is requested."

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 675**, as amended: Senators Gross, Goode, Russell, Dougherty and Shields.

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS No. 2** for **SB 695**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 695

The Conference Committee appointed on House Substitute for Senate Substitute No. 2 for Senate Bill No. 695, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Substitute No. 2 for Senate Bill No. 695, as amended;
2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Bill No. 695;
3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute No. 2 for Senate Bill No. 695, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Charles R. Gross
/s/ John T. Russell
/s/ Charlie Shields
Patrick Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Chuck Purgason
/s/ Sam Page
/s/ Brad Lager
Marsha Campbell

Senator Goode moved that the above conference committee report be adopted.

At the request of Senator Goode, the above motion was withdrawn.

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 688**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HB 198**, as amended: Senators Nodler, Bartle, Shields, Caskey and Kennedy.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 688**, as amended: Senators Kinder, Yeckel, Vogel, Wheeler and Coleman.

CONFERENCE COMMITTEE REPORTS

Senator Goode moved that the conference committee report on **HS** for **SS No. 2** for **SB 695**, as amended, be taken up, which motion prevailed.

Senator Goode moved that the conference committee report be adopted.

At the request of Senator Goode, the above motion was withdrawn.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 675**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 675

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 675, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 675, as amended;
- 2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 675;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 675, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charles R. Gross
/s/ Wayne Goode
/s/ John T. Russell
/s/ Pat Dougherty
/s/ Charles Shields

FOR THE HOUSE:

/s/ Shannon Cooper
/s/ Allen Icet
/s/ Jack A. L. Goodman
/s/ Robert Hilgemann
/s/ Clint Zweifel

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Mathewson

Nodler	Quick	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland Loudon--2

Absent with leave--Senators

DePasco Klindt Scott--3

On motion of Senator Gross, **CCS** for **HCS** for **SCS** for **SB 675**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 675

An Act to repeal sections 33.080, 166.300, 339.105, and 374.150, RSMo, and to enact in lieu thereof five new sections relating to certain special funds, with penalty provisions and an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland Kennedy--2

Absent with leave--Senators

DePasco Klindt Scott--3

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators

DePasco

Klindt

Scott--3

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS** for **SCS** for **SBs 361, 103, 156, and 329**, as amended, and grants the Senate a conference thereon, and the conferees to exceed the differences by adding a provision to allow a vote on the expansion of a sewer district and to provide notice to the owners of the expansion.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SS** for **SCS** for **SBs 361, 103, 156 and 329**, as amended. Representatives: Townley, Guest, Schlottach, McKenna and Wagner.

Also,

Mr. President: I am instructed by the House of Representative to inform the Senate that the House has taken up and passed **SS** for **SB 219**.

Emergency clause adopted.

Bill ordered enrolled.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS** for **SCS** for **SBs 361, 103, 156, and 329**, as amended: Senators Steelman, Cauthorn, Clemens, Quick and Days.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1010, regarding Theodore Roosevelt High School, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1011, regarding Alice Johnson, Farmington, which was adopted.

Senator Kennedy offered Senate Resolution No. 1012, regarding Denise Bader, Ste. Genevieve, which was adopted.

Senator Vogel offered Senate Resolution No. 1013, regarding Joan M. Solomon, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1014, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

James Robert Wright, Tuscumbia, which was adopted.

COMMUNICATIONS

Senator Klindt submitted the following:

May 13, 2003

Mrs. Terry L. Spieler, Secretary of the Senate

Room 325, State Capitol

Jefferson City, MO 65101

Dear Secretary Spieler:

Due to a personal medical emergency, I find it necessary to take temporary leave of the Senate at this time. Regarding SB 38 as amended, in my absence am designating Senator Peter Kinder to take control of the bill as sponsor.

Thank you.

Sincerely,

/s/ David G. Klindt

David Klindt

State Senator

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute No. 2 for Senate Bill No. 224, entitled:

AN ACT

To authorize the conveyance of property owned by the state in the County of Callaway to the City of Fulton, with an emergency clause.

I disapprove of Senate Committee Substitute No. 2 for Senate Bill No. 224. My reasons for disapproval are as follows:

The legal description in the bill of the easement to be conveyed is flawed. The correct legal description is included in House Committee Substitute for House Bill No. 93, which was also approved by the General Assembly during the 2003 session and which I signed into law on May 15, 2003.

For all of the above state reasons for disapproval, I am returning Senate Committee Substitute No. 2 for Senate Bill No. 224 without my approval.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 250, entitled:

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to a law enforcement sales tax, with an emergency clause.

I disapprove of Senate Bill No. 250. My reasons for disapproval are as follows:

Language in this bill conflicts with language in House Committee Substitute for House Bill No. 97, which was also approved by the General Assembly during the 2003 session. Both bills aim to authorize certain counties to

consider approving a sales tax to generate revenue for certain county law enforcement services. This bill, however, fails to restrict the use of those funds to public law enforcement services only.

For all of the above stated reasons for disapproval, I am returning Senate Bill No. 250 without my approval.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

On behalf of Senator Klindt, Senator Shields introduced to the Senate, the Physician of the Day, Dr. James D. Humphrey, M.D., Mound City.

On behalf of Senators Gross and Dolan, the President introduced to the Senate, Olivia Penn and Tyler Morice, St. Charles County.

Senator Cauthorn introduced to the Senate, Sandra Redding, Downing.

Senator Gibbons introduced to the Senate, students from Robinson Elementary School, St. Louis County; and Spencer Robinson was made an honorary page.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Friday, May 16, 2003.

SENATE CALENDAR

SEVENTY-FIFTH DAY-FRIDAY, MAY 16, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 564-Gross

SENATE BILLS FOR PERFECTION

SB 414-Steelman, with SCS

SB 454-Coleman and

Dougherty, with SCS

SJR 4-Cauthorn

HOUSE BILLS ON THIRD READING

HB 697-Mayer, et al, with SCS

(Bartle)

HS for HB 267-Smith (118),

with SCS (Griesheimer)

HCS for HB 322

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with

SCS & SS for SCS (pending)

SB 24-Steelman, with SCS

& SS for SCS (pending)

SB 27-Gibbons, with SCS

SB 33-Loudon and Scott,

with SS (pending)

SB 51-Shields, with SS,

SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with

SCS & SA 6 (pending)

SB 209-Steelman, et al, with SCS

SB 217-Champion and Clemens,

with SS (pending)

SB 241-Yeckel, with SCS

SB 253-Steelman, et al, with SCS,

SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SBs 312, 49, 111, 113, 191, 206,

263, 404, 409, 418, 538, 550 &

584-Dolan, et al, with SCS

SBs 343, 89, 134, 171, 240, 261,

331, 368, 369, 419, 484 &

581-Dolan, with SCS

SB 347-Loudon, et al, with SCS

SB 362-Steelman and Gross

SBs 381, 384, 432 & 9-Dolan,

with SCS & SS for SCS (pending)

SBs 415, 88, 200, 223, 413, 523,

589 & 626-Yeckel, with SCS

SB 416-Yeckel, with SCS

SB 434-Yeckel, with SCS

SB 436-Klindt, with SCS,

SS for SCS & SA 2 (pending)

SB 446-Bartle, with SCS

SB 449-Bartle

SB 450-Mathewson, et al, with

SCS, SS for SCS & SA 2

(pending)

SB 455-Dougherty and Shields

SB 458-Childers

SB 460-Loudon, with SS & SA 1

(pending)

SB 476-Jacob

SB 485-Shields, with SCS

SB 531-Childers, with SCS

SB 685-Gibbons, et al, with SCS

SB 693-Klindt, et al, with SCS

SJR 13-Stoll HOUSE BILLS ON THIRD READING

HB 91-Mayer, with SCS

(Steelman)

HCS for HB 144, with SCS

(Vogel)

HCS for HB 185, with SCS (Gross)

HB 189-Parker, et al (Klindt/Vogel)

HS for HB 197-Johnson (47), with

SCS, SS for SCS & point of order

(pending) (Shields)

HCS for HB 288, with SCS (Shields)

HS for HCS for HB 321-

Wilson (130), with SS & SS for SS

(pending) (Loudon)

HB 444-Jackson, with SCS, SS for

SCS, SS for SS for SCS, SA 1

& SSA 2 for SA 1 (pending)

(Yeckel)

HS for HB 481-Crowell (Bartle)

HS for HCS for HB 564-Behnen,

with SCS (Yeckel)

HB 593-Deeken, et al (Loudon)

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 505-Byrd and Villa,
with SCS (Mathewson)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 370-Foster, with HCS
SCS for SB 385-Scott,
with HCS

SB 470-Bartle, with HCS

SB 521-Gross, with HCS

SCS for SB 592-Foster, with HCS

SB 668-Cauthorn and Klindt,

with HS for HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 11-Kinder and Scott,

with HS for HCS, as amended

SS for SCS for SB 36-

Klindt/Steelman, with HCS,

as amended

(Further conference granted)

SB 39-Cauthorn, et al,

with HCS, as amended

(Senate adopted CCR

and passed CCS)

SB 173-Quick, with HS for

HCS, as amended

SB 186-Cauthorn, with HCS

(Senate adopted CCR
and passed CCS)
SCS for SB 246-Steelman, et al,
with HS for HCS, as amended

SS#2 for SCS for SBs 248, 100,
118, 233, 247, 341 & 420-Gross,
with HS for HCS, as amended

(Senate adopted CCR
and passed CCS)
SCS for SBs 299 & 40-Champion,
et al, with HS, as amended

(Senate adopted CCR
and passed CCS)
SS for SCS for SBs 361, 103,
156 & 329-Steelman, with HS, as amended
SCS for SB 379-Champion, with HCS

(Senate adopted CCR
and passed CCS)
SB 394-Bartle, with HCS,
as amended

(Senate adopted CCR
and passed CCS)
SB 469-Bartle, with HS
for HCS, as amended

SB 552-Yeckel, with HCS

(Senate adopted CCR#2
and passed bill)

SCS for SB 675-Gross, et al,
with HCS, as amended

(Senate adopted CCR
and passed CCS)
SCS for SB 686-Russell, with
HS for HCS, as amended
(Senate adopted CCR
and passed CCS)
SS#2 for SB 695-Goode and
Russell, with HS, as amended
HB 198-Stevenson, et al, with SS,
as amended (Nodler)
HS for HCS for HB 228-Pearce,
with SCS, as amended (Goode)
HB 327-Lipke, with SS for
SCS, as amended (Dolan)
HB 412-Goodman, et al, with
SS, as amended (Childers)
HCS for HB 427, with SCS
(Bartle) (House adopted CCR
and passed CCS)
HS for HB 470-Mayer, with SS
for SCS, as amended (Bartle)
HS for HCS for HBs 517, 94,
149, 150 & 342-Portwood,
with SS for SCS, as amended (Gross)
HCS for HB 613, with SCS,
as amended (Bartle)
(House adopted CCR
and passed CCS)

HS for HB 668-Crawford, with SS
for SCS, as amended (Dolan)
(House adopted CCR
and passed CCS)

HS for HCS for HBs 679 &
396-Hanaway, with SS,
as amended (Shields)
(Further conference granted)
HCS for HB 688, with SCS,
as amended (Kinder)

Requests to Recede or Grant Conference

SS#2 for SS for SCS for
SB 2-Russell, with HS,
as amended
(Senate requests House
recede or grant conference)
SCS for SB 38-Klindt/Kinder, et al,
with HS for HCS, as amended
(Senate requests House
take up and pass the bill)
HCS for HB 73, with SS,
as amended (Yeckel)
(House requests Senate
take up and pass the bill)
SS for SCS for HB 286-Bearden,
with HPA 1 (Shields)

(House requests Senate

concur in HPA 1)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS

for SCS & SA 1 (pending)

SCR 4-Jacob

SCR 18-Mathewson and

Steelman

SR 900-Mathewson

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIFTH DAY--FRIDAY, MAY 16, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"I have fought the good fight, I have finished the race, I have kept the faith." (Romans)

Almighty Father, we approach our last nine hours with still much to do; but as the gavel falls and this year's session has ended, let us know that we have fought the good fight, having done what was necessary and at times hard to do in a difficult year. Bless what we have done, we pray, that it may have a good effect. And, as we rush to the finish line, we know we will not do everything that is needing to be done, but help us to be faithful to You and our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, the Associated Press, the Jefferson City News Tribune, KOMU-TV, KMIZ-TV and KWIX/KRES/KIRK Radio were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator DePasco--1			

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 1015, regarding Liesel Von Gontard, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1016, regarding Dana Middleton, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1017, regarding Carly Jacobs, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1018, regarding Nick Bocchini, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1019, regarding Sam Hurster, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1020, regarding Colleen Cernik, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1021, regarding Genevieve Soncasie, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1022, regarding Natalie Diacovo, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1023, regarding Allen Fishel, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1024, regarding Ajeet Gautam, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1025, regarding B. I. Middleton, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1026, regarding Meridith O'Connor, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1027, regarding Helen Zell, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1028, regarding Aaron Zuckerman, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1029, regarding Aron Frankel, Clayton, which was adopted.

Senator Bray offered Senate Resolution No. 1030, regarding Richard Hackmann, Clayton, which was adopted.

Senator Klindt offered Senate Resolution No. 1031, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Giles Steffes, Wien, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 688**, as amended.
Representatives: Cooper 155, Hanaway, Dempsey, Graham and Skaggs.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HCS** for **HB 455** and has taken up and passed **SCS** for **HS** for **HCS** for **HB 455**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HS**, as amended, for **SS No. 2** for **SS** for **SCS** for **SB 2** and has again taken up and passed **SS No. 2** for **SS** for **SCS** for **SB 2**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 38**, as amended, and grants the Senate a conference thereon.

HOUSE BILLS ON THIRD READING

HB 697, with **SCS**, was placed on the Informal Calendar.

HS for **HB 267**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 322** was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Goode moved that the conference committee report on **HS** for **SS No. 2** for **SB 695**, as amended, be taken up, which motion prevailed.

Senator Goode moved that the conference committee report be adopted.

At the request of Senator Goode, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 5**, entitled:

An Act to repeal sections 56.807, 84.570, 217.362, 217.750, 217.760, 478.610, 513.653, 556.061, 557.036, 558.011, 558.016, 558.019, 559.026, 559.115, 565.081, 565.082, 565.083, 568.045, 570.030, 570.040, 571.030, 589.400, 589.407, 589.414, and 595.209, RSMo, and to enact in lieu thereof twenty-eight new sections relating to crime, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HB 470**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HB 470**.

PRIVILEGED MOTIONS

Senator Caskey moved that **SS** for **SCS** for **SB 5**, with **HS** for **HCS**, be taken up for third reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SCS** for **SB 5**, entitled:

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5

An Act to repeal sections 56.807, 84.570, 217.362, 217.750, 217.760, 478.610, 513.653, 556.061, 557.036, 558.011, 558.016, 558.019, 559.026, 559.115, 565.081, 565.082, 565.083, 568.045, 570.030, 570.040, 571.030, 589.400, 589.407, 589.414, and 595.209, RSMo, and to enact in lieu thereof twenty-eight new sections relating to crime, with penalty provisions and an emergency clause.

Was taken up.

Senator Caskey moved that **HS** for **HCS** for **SS** for **SCS** for **SB 5** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senator DePasco--1

On motion of Senator Caskey, **HS** for **HCS** for **SS** for **SCS** for **SB 5** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman

Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that **SS** for **SCS** for **HB 286**, with **HPA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HPA 1 was taken up.

Senator Shields moved that **HPA 1** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Goode--1			
Absent with leave--Senator DePasco--1			

On motion of Senator Shields, **SS** for **SCS** for **HB 286**, as amended by **HPA 1**, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senator DePasco--1

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 469**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 469

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Bill No. 469, with House Amendments Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 469, as amended;
2. That the Senate recede from its position on Senate Bill No. 469;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 469, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Matt Bartle /s/ Richard Byrd

/s/ Gary Nodler /s/ Bryan Pratt

/s/ Anita Yeckel /s/ Bryan Stevenson

/s/ Harold Caskey Fred Kratky

Maida Coleman Rick Johnson

Senator Bartle moved that the above conference committee report be adopted.

At the request of Senator Bartle, the above motion was withdrawn.

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS** for **SCS** for **SBs 361, 103, 156 and 329**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 361, 103, 156 and 329

The Conference Committee appointed on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 & 329, with House Amendments Nos. 1, 2, 3, 4, 5, and 6, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 & 329, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 & 329;
3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 & 329, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Sarah H. Steelman /s/ Merrill Townley

John Cauthorn /s/ Jim Guest

/s/ Dan Clemens /s/ Charles Schlottach

/s/ Rita Heard Days /s/ Ryan McKenna

/s/ Ed Quick /s/ Wes Wagner

Senator Steelman moved that the above conference committee report be adopted.

Senator Bray raised the point of order that the conference committee report on **HS** for **SS** for **SCS** for **SBs 361, 103, 156 and 329** goes beyond the scope and purpose of the original bills.

The point of order was referred to the President Pro Tem, who took it under advisement.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 228**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 228**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SS** for **HS** for **HCS** for **HBs 679 and 396**, as amended, and has taken up and passed **CCS** for **SS** for **HS** for **HCS** for **HBs 679 and 396**, as amended by Conference Committee Amendment No. 1.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 327**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 327**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HB 198**, as amended, and has taken up and passed **CCS** for **SS** for **HB 198**.

PRIVILEGED MOTIONS

Senator Dolan, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 668**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 668

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 668, with Senate Amendment Nos. 1, 2, 5, and 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 668, as amended;

2. That the House recede from its position on House Substitute for House Bill No. 668;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 668, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jon Dolan /s/ Larry Crawford

/s/ John Cauthorn /s/ Kevin Threlkeld

/s/ Gary Nodler /s/ Lanie G. Black

/s/ Joan Bray /s/ Thomas P. Green

/s/ Rita Heard Days /s/ Terry Young

Senator Dolan moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator DePasco--1			

Senator Bartle assumed the Chair.

On motion of Senator Dolan, **CCS** for **SS** for **SCS** for **HS** for **HB 668**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 668

An Act to repeal sections 21.795, 226.030, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236 and 523.050, RSMo, and to enact in lieu thereof twelve new sections relating to transportation accountability measures.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HS** for **HCS** for **HBs 679 and 396**, as amended, moved that the following conference committee report no. 2 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2

ON SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 679 and 396

The Conference Committee appointed on Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, with Senate Amendment Nos. 3, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, as amended;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bills Nos. 679 and 396;
3. That the Conference Committee Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, with Conference Committee Amendment No. 1, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charlie Shields /s/ Catherine L. Hanaway

/s/ Bill Foster /s/ Mark Wright

/s/ Norma Champion /s/ Bryan P. Stevenson

/s/ Pat Dougherty /s/ Yvonne Wilson

/s/ Harry Kennedy /s/ Barbara Fraser

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Conference Committee Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 & 396, Page 24, Section 43.540, Line 23 of said page, by inserting after the word "**provider**" the following: "**if a national criminal record review is requested**"; and

Further amend said bill, Pages 105 and 106, Section 210.201, by deleting all of said section and inserting in lieu thereof the following:

"210.201. As used in sections 210.201 to 210.257, the following terms mean:

(1) "Child", an individual who is under the age of seventeen;

(2) "Child-care facility", a house or other place conducted or maintained by any person who advertises or holds himself out as providing care for more than four children during the daytime, for compensation or otherwise, except those operated by a school system or in connection with a business establishment which provides child care as a convenience for its customers or its employees for no more than four hours per day, but a child-care facility shall not include any private or religious organization elementary or secondary school, a religious organization academic preschool or kindergarten for four- and five-year-old children, a home school, as defined in section 167.031, RSMo, a weekly Sunday or Sabbath school, a vacation Bible school or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization. **If a facility or program is exempt from licensure based on the school exception established in this subdivision, such facility or program shall submit documentation annually to the department to verify its licensure-exempt status; except that, under no circumstances shall any private or religious organization elementary or secondary school, a religious organization academic preschool or kindergarten for four- and five-year-old children, a home school, as defined in section 167.031, RSMo, a weekly Sunday or Sabbath school, a vacation Bible school or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization be required to submit documentation annually to the department to verify its licensure-exempt status;**

(3) "Person", any person, firm, corporation, association, institution or other incorporated or unincorporated organization;

(4) "Religious organization", a church, synagogue or mosque; an entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility is located is exempt from taxation because it is used for religious purposes."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Shields moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer

Gross	Jacob	Kennedy	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	NAYS--Senators		
Bland	Bray	Coleman	Days--4
	Absent--Senator Kinder--1		
	Absent with leave--Senator DePasco--1		

On motion of Senator Shields, **CCS** for **SS** for **HS** for **HCS** for **HBs 679** and **396**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 679 and 396

An Act to repeal sections 26.740, 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 135.327, 168.071, 192.016, 207.050, 207.060, 208.152, 208.204, 210.025, 210.109, 210.110, 210.115, 210.145, 210.152, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 210.922, 210.937, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 352.400, 402.199, 402.200, 402.205, 402.215, 402.217, 453.020, 453.060, 453.110, 475.024, 491.075, 492.304, 537.046, 630.140, 630.167, 630.170, 630.210, and 660.317, RSMo, and to enact in lieu thereof eighty-four new sections relating to the state foster care and protective services for children, with penalty provisions.

As amended by conference committee report no. 2, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators		
Bland	Bray	Days--3	
	Absent--Senators--None		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 228**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 228

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 228, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 228, as amended;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 228;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 228, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

- /s/ Wayne Goode /s/ David Pearce
- /s/ Jim Mathewson /s/ Dennis Wood
- /s/ Matt Bartle /s/ Carl Bearden
- /s/ Charlie Shields /s/ Chuck Graham
- /s/ Sarah H. Steelman /s/ Gina Walsh

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Russell-- 1			
Absent with leave--Senator DePasco-- 1			

On motion of Senator Goode, **CCS** for **SCS** for **HS** for **HCS** for **HB 228**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 228

An Act to amend chapter 407, RSMo, by adding thereto four new sections relating to unsolicited commercial electronic mail, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Russell--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Steelman moved that conference committee report no. 3 on **HCS** for **SS** for **SCS** for **SB 36**, as amended, be taken up for adoption, which motion prevailed.

Senator Steelman moved that conference committee report no. 3 be adopted.

Senator Jacob raised the point of order that the conference committee report is out of order and must be rejected in that the conferees exceeded their authority and their jurisdiction by striking from the bill, without first obtaining unanimous consent of both houses as required by the rules, matter dealing with hazardous waste fees and with the burden of proof that had been agreed to and passed by both the House and the Senate. In support of his point of order, Senator Jacob offered the following research memorandum, along with supporting documents, and requested that same be printed in the Journal, which request was granted.

RESEARCH MEMORANDUM

Date: May 15, 2003

From: Alan Kelly

Re: A Conference Committee Report That Does Not Include Matter Agreed to By Both Houses

ISSUE

May a conference committee issue a report that excludes language which was agreed to by both houses?

ANSWER

No. If the conferees issue a report which strikes matter that was agreed to by both houses, a point of order on that issue must be sustained and the report must be rejected.

SENATE RULES

There is no rule in the Rules of the Missouri Senate which directly addresses this issue, thus, pursuant to Rule 96, our Senate is governed by "the rules laid down in the practice and procedures adopted by the Senate of the United States".

Rule XXVIII (28) of the Standing Rules of the United States Senate directly addresses the instant question and clearly states the following:

"RULE XXVIII

CONFERENCE COMMITTEES; REPORTS;

OPEN MEETINGS

...

2. *Conferences shall not* insert in their report matter not committed to them by either House, nor shall they *strike from the bill matter agreed to by both Houses*. If new matter is inserted in the report, or *if new matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report is rejected* or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon." (Emphasis added)

SENATE PRACTICE & PROCEDURE

The practice and procedure of the United States Senate, as set forth in Riddick's Senate Procedure, is firmly supportive of the statement in Rule 28 that a conference report shall be rejected if it fails to include all language agreed to by both houses. In fact, Riddick's Senate Procedure clearly states that if the conferees issue a report which fails to include such language, the conferees shall be found to have exceeded their authority and the report shall be rejected. The relevant pages from Riddick's are attached hereto and include the following passages governing the instant issue:

"*Conference committees are created...to resolve the differences* Riddick's Senate Procedure, p, 449. (Emphasis added) in the respective versions of any item of legislation which they both pass."

"*The language of any measure which has been approved by both Houses is never in conference, nor may the conferees amend any part of a bill which has been approved by both Houses. All that goes to conference is the amendment or amendments in disagreement.*" Riddick's Senate Procedure, p, 450. (Emphasis added)

"*Committees of conference are appointed for the sole purpose of compromising and adjusting the differing and conflicting opinions of the two Houses....Conferees are limited to the consideration of differences between the two Houses.*

Conferees shall not insert in their report matter not committed to them by either House, nor shall they *strike from the bill matter agreed to by both Houses.*" Riddick's Senate Procedure, p, 460. (Emphasis added)

"If the Senate disagrees to House amendments and asks for a conference on a bill, *the conferees would have no authority to consider matters not in disagreement.*" Riddick's Senate Procedure, p, 461. (Emphasis added) "*If conferees exceed their authority with respect to any matter, the report of the conferees is subject to a point of order.* Various points of order have been sustained on grounds that conferees have exceeded their authority." Riddick's Senate Procedure, p, 484.

"*There is no doubt that it is the rule that the language which has been agreed upon by both bodies cannot be changed by conferees, and that if changed it is subject to a point of order, and that if the point of order is sustained the conference report fails.* The measure will thereby be recommitted to the committee of conference, if the House had not already agreed to the report.

The text of a measure to which both Houses have agreed may not be changed except by unanimous consent of both Houses." Riddick's Senate Procedure, p, 462. (Emphasis added)

Other documents submitted by Senator Jacob, relative to his point of order, are on file in the office of the Secretary of Senate and in the permanent bill folder.

The point of order was referred to the President Pro Tem, who took it under advisement.

Senator Shields assumed the Chair.

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 613**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 613

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 613, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 613, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 613;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 613, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Matt Bartle /s/ Richard Byrd

/s/ Charles Wheeler /s/ Scott A. Lipke

/s/ Harold Caskey /s/ Marilyn Ruestman

/s/ Anita Yeckel /s/ Connie Johnson

/s/ Jon Dolan /s/ Rick Johnson

Senator Bartle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler--30		

NAYS--Senators--None

Absent--Senators

Klindt

Stoll

Yeckel--3

Absent with leave--Senator DePasco--1

On motion of Senator Bartle, **CCS** for **SCS** for **HCS** for **HB 613**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 613

An Act to repeal sections 43.530, 50.640, 57.290, 67.133, 210.145, 452.311, 454.505, 455.027, 455.030, 455.504, 455.516, 476.058, 476.340, 476.385, 477.600, 488.032, 488.426, 488.429, 488.2300, 488.4014, 488.5320, 488.5339, 491.280, 494.410, 506.060, 510.120, 511.350, 511.510, 512.180, 513.475, 536.077, 540.011, 540.021, and 577.051, RSMo, and to enact in lieu thereof thirty-two new sections relating to court procedures, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Goode--1

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

PRIVILEGED MOTIONS

Senator Gross moved that **SB 521**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 521**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 521

An Act to amend chapter 34, RSMo, by adding thereto six new sections relating to contracts for public works.

Was taken up.

President Maxwell assumed the Chair.

Senator Gross moved that **HCS** for **SB 521** be adopted.

At the request of Senator Gross, the above motion was withdrawn.

HOUSE BILLS ON THIRD READING

HCS for **HB 185**, with **SCS**, entitled:

An Act to amend chapter 210, RSMo, by adding thereto two new sections relating to abducted persons, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Gross.

SCS for **HCS** for **HB 185**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 185An Act to amend chapter 210, RSMo, by adding thereto two new sections relating to missing persons.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 185** be adopted.

Senator Gross offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 185, Page 2, Section 210.1014, Line 12, by inserting at the end of said line the following: "**ten members of which**"; and further amend line 13, by inserting after the word "members" the following: "**shall be**".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **HCS** for **HB 185**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 185**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Jacob

Absent--Senators

Klindt--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1032

WHEREAS, the members of the Missouri Senate proudly pause to recognize those special young people who have exemplified the finest qualities of citizenship and leadership by taking an active part in state government; and

WHEREAS, Gregory J. Christian, a student at Truman State University in Kirksville, has distinguished himself as an Intern for the Honorable Wayne Goode, State Senator from the 13th District; and

WHEREAS, Gregory Christian joined the staff of Senator Goode for the First Regular Session of the Ninety-second General Assembly as part of the Missouri State Intern Program at the state capitol in Jefferson City, a program designed to involve college students in the legislative process through active participation; and

WHEREAS, Gregory Christian has experienced the opportunity to observe firsthand the inner workings of state government and has gained valuable insight into the process by which laws are made; and

WHEREAS, Gregory Christian has successfully demonstrated his abilities in the performance of such duties as conducting research, serving as legislative aide and session attendant, helping with constituent services, and assuming various other responsibilities to make the office of Senator Goode run as smoothly as possible; and

WHEREAS, Gregory Christian has earned recognition as a valuable asset to Senator Goode and the entire Missouri Legislature through the application of knowledge and skills acquired prior to his tenure as an Intern and a variety of visible new skills which will be of tremendous value in the job market:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, hereby proudly join the Honorable Wayne Goode in commending Gregory Christian for his many important contributions to our State Legislature during the current session, and further extend to him our very best wishes for continued success and happiness in all future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Gregory J. Christian, as a measure of our deep gratitude.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SCS** for **SBs 299** and **40**, as amended, and has taken up and passed **CCS** for **HS** for **SCS** for **SBs 299** and **40**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SB 552** and has taken up and passed **SB 552**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 620**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 394**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 394**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 379** and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 379**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 186** and has taken up and passed **CCS** for **HCS** for **SB 186**.

Bill ordered enrolled.

On motion of Senator Gibbons, the Senate recessed until 12:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

HOUSE BILLS ON THIRD READING

Senator Yeckel moved that **HB 444**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 1** and **SSA 2** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Griesheimer, **SSA 2** for **SA 1** was withdrawn.

At the request of Senator Scott, **SA 1** was withdrawn.

At the request of Senator Dougherty, **SS** for **SS** for **SCS** for **HB 444** was withdrawn.

Senator Yeckel offered **SS No. 2** for **SS** for **SCS** for **HB 444**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 444

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to distribution of the gaming commission fund.

Senator Yeckel moved that **SS No. 2** for **SS** for **SCS** for **HB 444** be adopted.

Senator Yeckel offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Bill No. 444, Page 11, Section 313.835, Line 19, by striking the words "and one-half".

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SS No. 2** for **SS** for **SCS** for **HB 444**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS No. 2** for **SS** for **SCS** for **HB 444**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Klindt Russell--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate request the House to grant further conference on **HS** for **HCS** for **SCS** for **SB 11**, as amended, which motion prevailed.

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 470**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 470

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 470, with Senate Amendments Nos. 2 and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 470, as amended;
2. That the House recede from its position on House Substitute for House Bill No. 470;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 470, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Matt Bartle /s/ Robert Mayer

/s/ Anita Yeckel /s/ Bryan P. Stevenson

/s/ Jon Dolan /s/ Jack A. L. Goodman

/s/ Charles Wheeler /s/ Cathy Jolly

/s/ Harry Kennedy /s/ J. C. Kuessner

Senator Bartle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Stoll	Vogel

Wheeler	Yeckel--30
	NAYS--Senator Bland--1
	Absent--Senators
Dolan	Russell--2
	Absent with leave--Senator DePasco--1

On motion of Senator Bartle, **CCS** for **SS** for **SCS** for **HS** for **HB 470**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 470

An Act to repeal section 195.417, and to enact in lieu thereof three new sections relating to products used to produce methamphetamine, with penalty provisions.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senator Bland--1		
	Absent--Senator Russell--1		
	Absent with leave--Senator DePasco--1		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Dolan, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 327**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 327

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 327, with Senate Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, 16, and 17, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 327, as amended;
- 2. That the House recede from its position on House Bill No. 327;
- 3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 327, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jon Dolan /s/ Scott A. Lipke
/s/ Sarah Steelman /s/ Charles Schlottach
/s/ Charles R. Gross /s/ Larry Crawford
Steve Stoll /s/ Thomas P. Green
Jim Mathewson /s/ Mike Daus

Senator Dolan moved that the above conference committee report be adopted.

Senator Griesheimer offered a substitute motion that the Senate refuse to adopt the conference committee report and request the House to grant the Senate a further conference.

Senator Dolan requested a roll call vote be taken on the substitute motion and was joined in his request by Senators Mathewson, Nodler, Scott and Shields.

The substitute motion failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Cauthorn	Coleman
Days	Dougherty	Goode	Griesheimer--8
NAYS--Senators			
Bartle	Caskey	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--24
Absent--Senator Klindt--1			
Absent with leave--Senator DePasco--1			

Senator Dolan moved that the conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Caskey	Cauthorn

Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators

Bland Griesheimer--2

Absent--Senators

Klindt Quick--2

Absent with leave--Senator DePasco--1

On motion of Senator Dolan, **CCS** for **SS** for **SCS** for **HB 327**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 327

An Act to repeal sections 137.298, 144.062, 191.831, 226.525, 226.535, 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 292.602, 301.010, 301.069, 302.225, 302.272, 302.302, 302.304, 302.309, 302.540, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 302.775, 304.013, 304.015, 304.035, 304.580, 307.125, 307.127, 307.177, 307.400, 389.610, 390.020, 577.023, 577.041, 577.049, 577.054, and 577.520, RSMo, and section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, and to enact in lieu thereof fifty-four new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Jacob Klindt--2

Absent with leave--Senator DePasco--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Gross	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28

NAYS--Senator Griesheimer--1

Absent--Senators

Champion	Goode	Jacob	Klindt--4
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Absent with leave--Senator DePasco--1

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Scott moved that **SCS** for **SB 385**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 385**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 385

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation policies.

Was taken up.

Senator Scott moved that **HCS** for **SCS** for **SB 385** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Dolan	Klindt--2
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Absent with leave--Senator DePasco--1

On motion of Senator Scott, **HCS** for **SCS** for **SB 385** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Goode	Klindt	Steelman--3
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Absent with leave--Senator DePasco--1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Pro Tem Kinder ruled the pending point of order on conference committee report on **HS** for **SS** for **SCS** for **SBs 361, 103, 156** and **329**, as amended, not well taken.

The conference committee report on **HS** for **SS** for **SCS** for **SBs 361, 103, 156** and **329**, as amended, was again taken up.

Senator Steelman moved that the above conference committee report be adopted.

Senator Bartle assumed the Chair.

At the request of Senator Steelman, the above motion was withdrawn.

Senator Kinder moved that the Senate conferees on **HS** for **HCS** for **SCS** for **SB 11**, as amended, be allowed to exceed the differences, which motion prevailed.

President Pro Tem Kinder ruled the pending point of order on the conference committee report no. 3 on **HCS** for **SS** for **SCS** for **SB 36** not well taken.

Conference committee report no. 3 on **HCS** for **SS** for **SCS** for **SB 36** was again taken up.

Senator Steelman moved that the above conference committee report no. 3 be adopted.

At the request of Senator Steelman, the above motion was withdrawn.

President Maxwell assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has granted the Senate further conference on **HS** for **HCS** for **SCS** for **SB 11**, as amended and the conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **HS** for **HCS** for **SCS** for **SB 11**, as amended. Representatives: Shoemaker, Sutherland, Rupp, Page and Willoughby.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 11**, as amended: Senators Kinder, Bartle, Vogel, Stoll and Coleman.

PRIVILEGED MOTIONS

Senator Kinder, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 11**, as amended, moved that the following conference committee report no. 3 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 3

ON HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 11

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, with House Amendments Nos. 1, 2, and 3, House Substitute Amendment No. 1 for House Amendment No. 4, and House Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 11;
3. That Conference Committee Amendments Nos. 1 and 2 be adopted;
4. That Conference Committee Substitute No. 2 for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, with Conference Committee Amendments Nos. 1 and 2, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Peter D. Kinder /s/ Christopher Shoemaker

/s/ Matt Bartle /s/ Mike Sutherland

/s/ Carl M. Vogel /s/ Scott Rupp

/s/ Stephen Stoll /s/ Sam Page

/s/ Maida J. Coleman /s/ Philip Willoughby

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Conference Committee Substitute No. 2 for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 12, Section 137.100, Lines 13-29 of said page, by striking all of said lines; and

Further amend said bill, Page 13, Section 137.100, Lines 1-4 of said page, by striking all of said lines; and further amend by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 32, Section 144.030, Line 26 of said page, by striking the semi-colon ";"; and further amend lines 27-29 of said page, by striking all of said lines; and

Further amend said bill, Page 33, Section 144.030, Lines 1-3 of said page, by striking all of said lines and inserting in lieu thereof the following: "."; and

Further amend said bill, Page 35, Section 144.615, Line 8 of said page, by striking the words "or other transfer".

CONFERENCE COMMITTEE AMENDMENT NO. 2

Amend Conference Committee Substitute No. 2 for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 1, In the Title, Line 6 of said title, by inserting immediately after the word "section" the following: "and an emergency clause for a certain section"; and

Further amend said bill, Page 37, Section 260.830, Line 21 of said page, by inserting after all of said line the following:

"Section B. Because of the need to stimulate economic activity, the enactment of section 144.049 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 144.049 of this act shall be in full force and effect upon its passage and approval.".

Senator Kinder moved that the above conference committee report no. 3 be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

NAYS--Senators

Bray	Coleman	Days	Dougherty
Goode	Mathewson--6		

Absent--Senators

Dolan	Klindt--2
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Absent with leave--Senator DePasco--1

On motion of Senator Kinder, **CCS No. 2** for **HS** for **HCS** for **SCS** for **SB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 11

An Act to repeal sections 34.070, 34.073, 99.820, 137.100, 143.121, 143.181, 144.030, 144.615, and 260.830, RSMo, and to enact in lieu thereof thirteen new sections relating to taxation, with a termination date for a certain section.

As amended by conference committee report no. 3, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--25			

NAYS--Senators

Bray	Days	Dougherty	Goode
Mathewson	Quick	Wheeler--7	

Absent--Senators--None

Absent with leave--Senators

DePasco	Klindt--2
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The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24

NAYS--Senators

Bray	Days	Dougherty	Goode
Mathewson	Quick	Wheeler--7	

Absent--Senator Dolan--1

Absent with leave--Senators

DePasco	Klindt--2
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On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HB 198**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 198

The Conference Committee appointed on Senate Substitute for House Bill No. 198, with Senate Amendments Nos. 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Senate Amendment No. 1 to Senate Amendment No. 13, Senate Amendment No. 13, as amended, and Senate Amendments Nos. 14, 15, 18, 19, 20, 21, 22, 24, 25, and 26, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Bill No. 198, as amended;
2. That the House recede from its position on House Bill No. 198;
3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 198, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Gary Nodler /s/ Bryan P. Stevenson

/s/ Matt Bartle /s/ Scott A. Lipke

/s/ Charlie Shields /s/ Robert Mayer

/s/ Harold L. Caskey /s/ Cathy Jolly

/s/ Harry Kennedy /s/ Russ Carnahan

Senator Nodler moved that the above conference committee report be adopted.

At the request of Senator Nodler, the above motion was withdrawn.

HOUSE BILLS ON THIRD READING

HS for **HB 267**, with **SCS**, entitled:

An Act to repeal sections 49.079, 49.091, 49.095, 49.170, 49.266, 49.267, 49.268, 49.269, 49.273, 49.276, 49.278, 67.1775, and 137.082, RSMo, and to enact in lieu thereof seven new sections relating to county commissions.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

SCS for **HS** for **HB 267**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 267 An Act to repeal sections 49.091, 49.095, 49.170, 49.266, 49.267, 49.268, 49.269, 49.273, 49.278, 49.370, 49.380, 60.010, and 67.1775, RSMo, and section 150.150 as enacted by house bill no. 1566, eighty-seventh general assembly, second regular session and section 150.150 as enacted by house substitute for house committee substitute for senate bill no. 579, eighty-seventh general assembly, second regular session, and to enact in lieu thereof eight new sections relating to county commissions, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **HS** for **HB 267** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HS** for **HB 267**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 267

An Act to repeal sections 49.091, 49.095, 49.170, 49.266, 49.267, 49.268, 49.269, 49.273, 49.278, 49.370, 49.380, 60.010, 67.1775, and 473.730, RSMo, and section 67.399, RSMo, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 67.399, RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and section 150.150 as enacted by house bill no. 1566, eighty-seventh general assembly, second regular session and section 150.150 as enacted by house substitute for house committee substitute for senate bill no. 579, eighty-seventh general assembly, second regular session, and to enact in lieu thereof twelve new sections relating to county commissions, with penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **HS** for **HB 267** be adopted.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 267, Page 6, Section 49.650, Line 2 of said page, by inserting after "wireless" the following: "companies".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 267, Page 5, Section 49.650, Lines 20-23 of said page, by striking all of said lines and inserting in lieu thereof the following: "**resolution, or regulation are opposed to is adoption.**".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 267, Page 7, Section 64.907, Line 29, by deleting the word "city" and inserting in lieu thereof the following: "**county**"; and

Further amend said section, page 8, lines 4, 5, 17 and 18, by deleting the word "city" and inserting in line thereof the following: "**county**".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 267, Page 14, Section 1, Lines 19-21, by striking all of said lines and inserting in lieu thereof the following: "**manner of preparation of tax bills.**".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 267, Page 2, Section A, Line 10 of said page, by inserting immediately after said line the following:

"49.087. No county pursuant to sections 49.010 to 49.615 shall require that a contractor, subcontractor, material supplier, or carrier engaged in the construction, maintenance, repair, or improvement of any structure be required to execute or otherwise become a party to any project labor agreement, or other agreement with employees, their represen-tatives, or any labor organization as a condition of bidding, negotiating, being awarded, or performing work on said project."

Senator Loudon moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 5** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Loudon, **SA 5** was withdrawn, rendering the point of order moot.

Senator Shields assumed the Chair.

Senator Griesheimer moved that **SS** for **SCS** for **HS** for **HB 267**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **HS** for **HB 267**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			

Absent--Senator Coleman--1

Absent with leave--Senators

DePasco

Klindt

Scott--3

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HB 412**, as amended, has taken up and passed **CCS** for **SS** for **HB 412**.

CONFERENCE COMMITTEE REPORTS

Senator Childers, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HB 412**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 412

The Conference Committee appointed on Senate Substitute for House Bill No. 412, with Senate Amendments Nos. 2, 4, 6 as amended, 7 as amended, and 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Bill No. 412, as amended;
2. That the House recede from its position on House Bill No. 412;
3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 412, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Doyle Childers /s/ Jack A. L. Goodman

/s/ Michael R. Gibbons /s/ Brad Lager

/s/ Anita Yeckel /s/ Jason Crowell

/s/ Rita Heard Days /s/ Jim Seigfreid

/s/ Jim Mathewson /s/ Mark Abel

Senator Childers moved that the above conference committee report be adopted.

At the request of Senator Childers, the above motion was withdrawn.

Senator Goode moved that the conference committee report on **HS** for **SS No. 2** for **SB 695**, as amended, be taken up, which motion prevailed.

Senator Goode moved that the above conference committee report be adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 686**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 686**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341 and 420**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341 and 420**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 39**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 39**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 675**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 675**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has defeated the Conference Committee Report on **SCS** for **HCS** for **HB 688**, as amended, and has taken up and adopted **SCS**, as amended, for **HCS** for **HB 688** and has taken up and passed **SCS** for **HCS** for **HB 688**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SS** for **SCS** for **SB 280**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 445** and has taken up and passed **SCS** for **HB 445**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HS** for **HCS** for **HB 257** and has taken up and passed **SS** for **SCS** for **HS** for **HCS** for **HB 257**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SS** for **SCS**, as amended, for **HB 444** and has taken up and passed **SS No. 2** for **SS** for **SCS** for **HB 444**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 21**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 3 on **HS** for **HCS** for **SCS** for **SB 11**, as amended, and has taken up and passed **CCS No. 2** for **HS** for **HCS** for **SCS** for **SB 11**, as amended by Conference Committee Amendments Nos. 1 and 2.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HS** for **HB 267** and has taken up and passed **SS** for **SCS** for **HS** for **HB 267**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 185** and has taken up and passed **SCS** for **HCS** for **HB 185**, as amended.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1033, regarding Amanda Daggs, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1034, regarding Lesley Lehenbauer, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1035, regarding Matthew Crowell, which was adopted.

Senator Vogel offered Senate Resolution No. 1036, regarding James J. "Jeff" Clements, Jefferson City, which was adopted.

Senator Kinder offered Senate Resolution No. 1037, regarding Alan Kent Lipke, Jackson, which was adopted.

MESSAGES FROM THE GOVERNORThe following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 238 entitled:

AN ACT

To repeal sections 72.080 and 72.130, RSMo, and to enact in lieu thereof two new sections relating to incorporation of cities, with an emergency clause.

On May 15, 2003, I approved said Senate Committee Substitute for Senate Bill No. 238.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 269 entitled:AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to a city sales tax for public safety, with an emergency clause.

On May 15, 2003, I approved said Senate Committee Substitute for Senate Bill No. 269.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Bill No. 456 entitled:

AN ACT

To repeal section 87.182, RSMo, and to enact in lieu thereof one new section relating to firemen's retirement systems, with an emergency clause.

On May 15, 2003, I approved said Senate Bill No. 456.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, his nephew, Will Kinder, and his nieces, Paige and Emilia Kinder, Cape Girardeau; and Will, Paige, and Emilia were made honorary pages.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Jerry Kennett, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned until 1:00 p.m., Wednesday, May 21, 2003.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SIXTH DAY--WEDNESDAY, MAY 21, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

RESOLUTIONS

On behalf of Senator Kennedy, Senator Gibbons offered Senate Resolution No. 1038, regarding Brittany Ridenhower, Ellington, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1039, regarding Linda K. Gregory, California, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1040, regarding Marla Worley, Kansas City, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1041, regarding Ray Stock, St. Joseph, which was adopted.

On behalf of Senator Stoll, Senator Gibbons offered Senate Resolution No. 1042, regarding Rosalie Fallert, Crystal City, which was adopted.

On behalf of Senator Stoll, Senator Gibbons offered Senate Resolution No. 1043, regarding the Ninetieth Birthday of Angela Long Remes, DeSoto, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1044, regarding John M. Kline, St. Joseph, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 1045, regarding the Buffalo High School FFA Program, Buffalo, which was adopted.

On behalf of Senator Bray, Senator Gibbons offered Senate Resolution No. 1046, regarding Rita Gram, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 1047, regarding the One Hundredth Birthday of Ruby Rubemeyer, Louisiana, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 1048, regarding Charlie Rosenkrans, Paris, which was adopted.

On behalf of Senator Dougherty, Senator Gibbons offered Senate Resolution No. 1049, regarding the death of Claude "Ronn" Rogers, St. Louis, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 1050, regarding Christopher Mommens, Mexico, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 1051, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Waterman, LaGrange, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 1052, regarding the One Hundredth Birthday of Manilus Walter "Buck" Stapleton, Canton, which was adopted.

On behalf of Senator Loudon, Senator Gibbons offered Senate Resolution No. 1053, regarding Maplewood Baptist Church, St. Louis, which was adopted.

On behalf of Senator Stoll, Senator Gibbons offered Senate Resolution No. 1054, regarding Robert Koff, which was adopted.

On behalf of Senator Stoll, Senator Gibbons offered Senate Resolution No. 1055, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Wilbur M. Lauilo, Sr., Imperial, which was adopted.

On behalf of Senator Caskey, Senator Gibbons offered Senate Resolution No. 1056, regarding the Harrisonville Kiwanis Club, Harrisonville, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS No. 2 for SB 1; SS No. 2 for SS for SCS for SB 2; SCS for SB 4; HS for HCS for SS for SCS for SB 5; HCS for SCS for SB 7; CCS No. 2 for HS for HCS for SCS for SB 11; HCS for SB 12; SS for SB 13; HCS for SCS for SB 16; SCS for SB 29; HCS for SS for SCS for SB 30; CCS for HCS for SB 39; CCS for HCS for SCS No. 2 for SB 52; SB 54; SS No. 2 for SCS for SB 55; HCS for SCS for SB 61; SB 63; HCS for SB 68; CCS for HCS for SCS for SB 69; HCS for SCS for SB 84; HCS for SB 101; SB 108; SB 120; SB 121; SCS for SB 122; HCS for SCS for SB 130; HCS for SB 136; SB 143; HCS for SB 175; HS for HCS for SB 184; CCS for HCS for SB 186; CCS for HS for HCS for SCS for SB 199; SCS for SB 202; SB 203; SB 207; HCS for SCS for SBs 212 and 220; HCS for SCS for SB 218; SS for SB 219; HCS for SB 228; HCS for SS for SB 242; HCS for SB 243; CCS for HS for HCS for SS No. 2 for SCS for SBs 248, 100, 118, 233, 247, 341 and 420; HCS for SB 266; HCS for SB 275; SS for SS for SCS for SB 280; HCS for SCS for SB 281; SB 282; SCS for SB 288; SB 289; SB 292; SB 293; SCS for SB 294; HCS for SCS for SB 295; HS for HCS for SCS for SB 296; CCS for HCS for SS for SCS for SB 298; CCS for HS for SCS for SBs 299 and 40; HCS for SB 301; SCS for SB 307; SB 314; SB 317; SB 321; HCS for SB 325; SB 327; SB 330; HCS for SS for SCS for SB 346; SCS for SB 351; HCS for SB 355; SB 356; SB 357; HCS for SCS for SB 358; HCS for SCS for SB 373; SB 376; CCS for HCS for SCS for SB 379; SB 383; HCS for SCS for SB 385; SB 388; CCS for HCS for SB 394; HCS for SB 399; HCS for SB 401; CCS for HCS for SB 407; SB 423; SB 425; SB 426; SB 431; SCS for SB 447; CCS for HCS for SB 448; SB 457; SB 463; HCS for SB 465; SCS for SB 466; SB 467; SB 468; SB 471; HCS for SB 474; SCS for SB 478; SB 492; HCS for SB 504; SB 506; SB 511; SCS for SB 513; SB 522; SB 529; SB 534; SB 537; SB 540; SCS for SB 546; HCS for SCS for SB 547; SB 548; SB 552; HCS for SS for SS for SCS for SBs 556 and 311; SCS for SB 562; SB 577; SB 578; SB 598; SB 606; SB 611; SB 618; SCS for SB 620; SCS for SB 621; SB 623; SB 651; HCS for SCS for SB 666; CCS for HCS for SCS for SB 675; CCS for HS for HCS for SCS for SB 686; and SB 697**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS No. 2 for SB 1; SS No. 2 for SS for SCS for SB 2; SCS for SB 4; HS for HCS for SS for SCS for SB 5; HCS for SCS for SB 7; CCS No. 2 for HS for HCS for SCS for SB 11; HCS for SB 12; SS for SB 13; HCS for SCS for SB 16; SCS for SB 29; HCS for SS for SCS for SB 30; CCS for HCS for SB 39; CCS for HCS for SCS No. 2 for SB 52; SB 54; SS No. 2 for SCS for SB 55; HCS for SCS for SB 61; SB 63; HCS for SB 68; CCS for HCS for SCS for SB 69; HCS for SCS for SB 84; HCS for SB 101; SB 108; SB 120; SB 121; SCS for SB 122; HCS for SCS for SB 130; HCS for SB 136; SB 143; HCS for SB 175; HS for HCS for SB 184; CCS for HCS for SB 186; CCS for HS for HCS for SCS for SB 199; SCS for SB 202; SB 203; SB 207; HCS for SCS for SBs 212 and 220; HCS for SCS for SB 218; SS for SB 219; HCS for SB 228; HCS for SS for SB 242; HCS for SB 243; CCS for HS for HCS for SS No. 2 for SCS for SBs 248, 100, 118, 233, 247, 341 and 420; HCS for SB 266; HCS for SB 275; SS for SS for SCS for SB 280; HCS for SCS for SB 281; SB 282; SCS for SB 288; SB 289; SB 292; SB 293; SCS for SB 294; HCS for SCS for SB 295; HS for HCS for SCS for SB 296; CCS for HCS for SS for SCS for SB 298; CCS for HS for SCS for SBs 299 and 40; HCS for SB 301; SCS for SB 307; SB 314; SB 317; SB 321; HCS for SB 325; SB 327; SB 330; HCS for SS for SCS for SB 346; SCS for SB 351; HCS for SB 355; SB 356; SB 357; HCS for SCS for SB 358; HCS for SCS for SB 373; SB 376; CCS for HCS for SCS for SB 379; SB 383; HCS for SCS for SB 385; SB 388; CCS for HCS for SB 394; HCS for SB 399; HCS for SB 401; CCS for HCS for SB 407; SB 423; SB 425; SB 426; SB 431; SCS for SB 447; CCS for HCS for SB 448; SB 457; SB 463; HCS for SB 465; SCS for SB 466; SB 467; SB 468; SB 471; HCS for SB 474; SCS for SB 478; SB 492; HCS for SB 504; SB 506; SB 511; SCS for SB 513; SB 522; SB 529; SB 534; SB 537; SB 540; SCS for SB 546; HCS for SCS for SB 547; SB 548; SB 552; HCS for SS for SS for SCS for SBs 556 and 311; SCS for SB 562; SB 577; SB 578; SB 598; SB 606; SB 611; SB 618; SCS for SB 620; SCS for SB 621; SB 623; SB 651; HCS for SCS for SB 666; CCS for HCS for SCS for SB 675; CCS for HS for HCS for SCS for SB 686; and SB 697,** having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **SCS for SCR No. 8; SCR No. 11; and SS for SCS for SCR No. 13,** having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SCS No. 2 for SB 1; SS No. 2 for SS for SCS for SB 2; SCS for SB 4; HS for HCS for SS for SCS for SB 5; HCS for SCS for SB 7; CCS No. 2 for HS for HCS for SCS for SB 11; HCS for SB 12; SS for SB 13; HCS for SCS for SB 16; SCS for SB 29; HCS for SS for SCS for SB 30; CCS for HCS for SB 39; CCS for HCS for SCS No. 2 for SB 52; SB 54; SS No. 2 for SCS for SB 55; HCS for SCS for SB 61; SB 63; HCS for SB 68; CCS for HCS for SCS for SB 69; HCS for SCS for SB 84; HCS for SB 101; SB 108; SB 120; SB 121; SCS for SB 122; HCS for SCS for SB 130; HCS for SB 136; SB 143; HCS for SB 175; HS for HCS for SB 184; CCS for HCS for SB 186; CCS for HS for HCS for SCS for SB 199; SCS for SB 202; SB 203; SB 207; HCS for SCS for SBs 212 and 220; HCS for SCS for SB 218; SS for SB 219; HCS for SB 228; HCS for SS for SB 242; HCS for SB 243; CCS for HS for HCS for SS No. 2 for SCS for SBs 248, 100, 118, 233, 247, 341 and 420; HCS for SB 266; HCS for SB 275; SS for SS for SCS for SB 280; HCS for SCS for SB 281; SB 282; SCS for SB 288; SB 289; SB 292; SB 293; SCS for SB 294; HCS for SCS for SB 295; HS for HCS for SCS for SB 296; CCS for HCS for SS for SCS for SB 298; CCS for HS for SCS for SBs 299 and 40; HCS for SB 301; SCS for SB 307; SB 314; SB 317; SB 321; HCS for SB 325; SB 327; SB 330; HCS for SS for SCS for SB 346; SCS for SB 351; HCS for SB 355; SB 356; SB 357; HCS for SCS for SB 358; HCS for SCS for SB 373; SB 376; CCS for HCS for SCS for SB 379; SB 383; HCS for SCS for SB 385; SB 388; CCS for HCS for SB 394; HCS for SB 399; HCS for SB 401; CCS for HCS for SB 407; SB 423; SB 425; SB 426; SB 431; SCS for SB 447; CCS for HCS for SB 448; SB 457; SB 463; HCS for SB 465; SCS for SB 466; SB 467; SB 468; SB 471; HCS for SB 474; SCS for SB 478; SB 492; HCS for SB 504; SB 506; SB 511; SCS for SB 513; SB 522; SB 529; SB 534; SB 537; SB 540; SCS for SB 546; HCS for SCS for SB 547; SB 548; SB 552; HCS for SS for SS for SCS for SBs 556 and 311; SCS for SB 562; SB 577; SB 578; SB 598; SB 606; SB 611; SB 618; SCS for SB 620; SCS for SB 621; SB 623; SB 651; HCS for SCS for SB 666; CCS for HCS for SCS for SB 675; CCS for HS for

HCS for SCS for SB 686; and SB 697, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

CONCURRENT RESOLUTIONS DELIVERED TO THE GOVERNOR

SCS for SCR No. 8; SCR No. 11; and SS for SCS for SCR No. 13, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS for HS for HB 1; CCS for SCS for HS for HB 2; CCS for SCS for HS for HB 3; CCS for SCS for HS for HB 4; CCS for SCS for HS for HB 5; CCS for SCS for HS for HB 6; CCS for SCS for HS for HB 7; CCS for SCS for HS for HB 8; CCS for SCS for HS for HB 9; CCS for SCS for HS for HB 10; CCS for SCS for HS for HB 11; CCS for SCS for HS for HB 12; CCS for SCS for HCS for HB 13; HCS for HB 16; SCS for HCS for HB 17; HCS for HB 18; CCS No. 2 for HCS for HB 19; HCS for HB 20; SCS for HB 57; SCS for HCS for HBs 59 and 269; SCS for HB 60; HB 75; HCS for HB 97; HB 99; SS for SCS for HS for HCS for HB 121; HCS for HBs 122 and 80; HCS for HB 131; HCS for HB 133; SS for HCS for HB 138; HB 141; SCS for HCS for HBs 152 and 180; HS for HCS for HB 156; HB 162; HCS for HB 166; HCS for HB 181; SCS for HCS for HB 185; HB 187; HB 199; SS for SCS for HB 208; CCS for SCS for HS for HCS for HB 228; HB 244; HCS for HB 245; HB 247; HB 249; HCS for HB 253; HB 254; SS for SCS for HS for HCS for HB 257; HB 261; SS for SCS for HS for HB 267; HCS for HB 277; HB 278; SS for SCS for HB 286; CCS for SS for SCS for HCS for HB 289; HB 292; HB 307; HB 314; HCS for HB 318; HB 326; CCS for SS for SCS for HB 327; HCS for HB 332; SCS for HCS for HBs 346 and 174; HCS for HBs 348 and 347; SS for HS for HCS for HBs 349, 120, 136 and 328; HB 351; HCS for HB 356; HB 358; SCS for HCS for HB 371; HB 375; HB 376; HB 388; SS for SCS for HCS for HB 390; SCS for HCS for HB 392; HCS for HB 394; HB 430; HB 440; SS No. 2 for SS for SCS for HB 444; SCS for HB 445; SCS for HS for HCS for HB 455; HB 463; HB 464; HB 465; CCS for SS for SCS for HS for HB 470; HCS for HB 472; HB 477; HB 478; SCS for HB 491; HCS for HB 493; CCS for SS for SCS for HS for HB 511; SCS for HB 512; SCS for HB 521; HB 523; SCS for HB 552; HB 553; HB 574; SCS for HCS for HB 575; HB 594; HB 597; SS for SCS for HB 598; HB 599; CCS for SS for SS for SCS for HCS for HB 600; CCS for SCS for HCS for HB 613; HCS for HB 640; HB 655; CCS for SS for SCS for HS for HB 668; CCS for SS for HS for HCS for HBs 679 and 396; SCS for HCS for HB 688**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 15**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

On motion of Senator Gibbons, the Senate adjourned until 1:00 p.m., Wednesday, May 28, 2003.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SEVENTH DAY--WEDNESDAY, MAY 28, 2003

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

RESOLUTIONS

On behalf of Senator Dolan, Senator Vogel offered Senate Resolution No. 1057, regarding Andrew Charles "Andy" Tuley, Wentzville, which was adopted.

On behalf of Senator Stoll, Senator Vogel offered Senate Resolution No. 1058, regarding Phillip J. Amato, Arnold, which was adopted.

On behalf of Senator Bartle, Senator Vogel offered Senate Resolution No. 1059, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clarence Stanley, Raytown, which was adopted.

On behalf of Senator Quick, Senator Vogel offered Senate Resolution No. 1060, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wilfred F. Watskey, Kansas City, which was adopted.

On behalf of Senator Quick, Senator Vogel offered Senate Resolution No. 1061, regarding James B. Barrows, Kansas City, which was adopted.

Senator Vogel offered Senate Resolution No. 1062, regarding Lois A. Nagel, New Bloomfield, which was adopted.

Senator Vogel offered Senate Resolution No. 1063, regarding Public Service Recognition Week, which was adopted.

On behalf of Senator Yeckel, Senator Vogel offered Senate Resolution No. 1064, regarding Bryan Jeffrey Rapp, St. Louis, which was adopted.

On behalf of Senator Wheeler, Senator Vogel offered Senate Resolution No. 1065, regarding Reid Day, Kansas City, which was adopted.

On behalf of Senator Russell, Senator Vogel offered Senate Resolution No. 1066, regarding Janice Ksara, Greene County, which was adopted.

On behalf of Senator Russell, Senator Vogel offered Senate Resolution No. 1067, regarding Corrections Officer I Phillip Ripinger, Houston, which was adopted.

On behalf of Senator Russell, Senator Vogel offered Senate Resolution No. 1068, regarding Corrections Officer I William Wehrer, Jr., Norwood, which was adopted.

On behalf of Senator Russell, Senator Vogel offered Senate Resolution No. 1069, regarding Corrections Officer I Jason Luck-Ryan, Licking, which was adopted.

On behalf of Senator Russell, Senator Vogel offered Senate Resolution No. 1070, regarding Corrections Officer II Allen Walker, Houston, which was adopted.

On behalf of Senator Wheeler, Senator Vogel offered Senate Resolution No. 1071, regarding Benjamin Cummins, Kansas City, which was adopted.

On behalf of Senator Kennedy, Senator Vogel offered Senate Resolution No. 1072, regarding Sunrise R-IX School District, DeSoto, which was adopted.

On behalf of Senator Loudon, Senator Vogel offered Senate Resolution No. 1073, regarding Evan Halsey, Ballwin, which was adopted.

MESSAGES FROM THE GOVERNORThe following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 22, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 555 entitled:

AN ACT

To repeal section 91.030, RSMo, and to enact in lieu thereof two new sections relating to the supply of electrical power and energy to aluminum smelting facilities, with an emergency clause.

On May 22, 2003, I approved said Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 555.

Respectfully submitted,

BOB HOLDEN

Governor

On motion of Senator Vogel, the Senate adjourned pursuant to the Constitution.

JOE MAXWELL

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

JOURNAL OF THE SENATE
NINETY-SECOND GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST EXTRA SESSION
OF THE

FIRST REGULAR SESSION

FIRST DAY--MONDAY, JUNE 2, 2003

The Senate was called to order in Extra Session by Lieutenant Governor Joe Maxwell.

The Reverend Carl Gauck offered the following prayer:

"Encourage one another and build one another up." (1 Thessalonians 5:11)

We are back Lord, to be the responsible people You have called to service. We pray O Lord that even as we debate the budget once again and differ in opinion from one another, that we may "build one another up" by respecting each other and listen tentatively. As we do so may we direct our efforts to doing what is truly needed and necessary for the people who sent us here. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

Absent with leave--Senator Dougherty--1

Vacancies--1

The Lieutenant Governor was present.

Photographers from KOMU-TV, KRCG-TV, KMIZ-TV, KSDK-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Extra Session of the First Regular Session and is ready for consideration of its business.

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, that the rules of the Senate, as adopted by the Ninety-second General Assembly, First Regular Session, be declared the rules of the First Extra Session of the First Regular Session.

COMMUNICATIONS FROM THE GOVERNOR

The President laid before the Senate the following proclamation from the Governor, reading of which was waived:

PROCLAMATION

WHEREAS, Article III, Section 25 of the Constitution of the State of Missouri prohibits the General Assembly during its Regular Session from taking up for consideration any appropriation bill after 6:00 p.m. on the first Friday following the first Monday in May of each year; and

WHEREAS, May 9, 2003, was the first Friday following the first Monday in May of this year during the first Regular Session of this 92nd General Assembly; and

WHEREAS, the budget the General Assembly presented to the Governor on May 21, 2003, is significantly unbalanced and inadequate in that it fails to provide sufficient funds for education and those government services that protect all citizens, including children and the most vulnerable Missourians; and

WHEREAS, the 2004 fiscal year begins on July 1, 2003; and

WHEREAS, I vetoed Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 10 because:

This bill reduces services to our most vulnerable citizens. Under this bill treatment and services for more than 3,200 mentally ill adults, 800 emotionally disordered children and almost 6,000 persons with a developmental disability will be reduced or eliminated. Substance abuse and treatment services will also be reduced or eliminated for over 7,000 Missourians. In addition, it eliminates women's health services, which are often the only primary health care services provided to over 30,000 low-income women. We cannot pretend that by cutting these dollars that there is no longer the need to serve and protect these citizens; and

WHEREAS, I vetoed Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 3 because:

This bill reduces state aid to Missouri's two- and four-year colleges and universities to unacceptable levels. Under this bill, tuition and fees would increase at an average rate of approximately 10%, forcing a "tax increase" on low and middle income families. The reductions to various grant and scholarship programs will further reduce the availability of higher education opportunities. Families with lower and middle incomes may no longer be able to afford the cost of college. Due to the multiplier effect of these cuts to higher education institutions on their local and regional economies, the negative economic impact could result in additional reductions of \$50-\$150 million in these communities and regions; and

WHEREAS, I vetoed Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 11 because:

This bill reduces support and critical services to people who need it the most. About 13,000 low-income working adults will lose healthcare coverage due to reductions in the Medicaid program. This reduction could lead to an increase in more costly emergency room visits and unhealthy parents unable to care for their children. The CHOICES program, which assists over 1,000 foster care youth between the ages of 13 and 15 in becoming responsible adults, will be eliminated. Grandparents raising their grandchildren will have an additional financial burden due to lower

reimbursement rates under the Grandparents as Foster Parents Program. The state's effort to help eliminate violence in the home will be hampered because of reductions in Domestic Violence grants. Reduced support for community services will hurt welfare recipient's ability to achieve self-sufficiency. Community Partnerships have been productive in leveraging local and federal funds to address the social problems of their communities. These essential services are necessary to protect our most vulnerable citizens. This bill also reduces funding for Medicaid programs that are not connected to any cost-savings policy or statutory change. These reductions are not sustainable and must be restored to achieve a balanced budget; and

WHEREAS, I vetoed Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 2 because:

This bill reduces state aid to our public schools to unacceptable levels. Since a significant percentage of the foundation program supports teacher salaries, such a cut is likely to result in the layoff of 3,400 school employees, including 2,038 teachers across the state. The elimination of the Science, Social Studies, and Health Education assessments is a step backwards in accountability of Missouri schools. The department and local school districts will be unable to determine how well students are performing in these important subject areas. Our children are our future. Reduced funding for education jeopardizes our commitment to provide quality public education to our children. It also jeopardizes the progress we've made improving test scores and drop out rates. We must protect the state's investment in education; and

WHEREAS, sufficient appropriations are still necessary for the budgets of the Departments of Elementary and Secondary Education, Health and Mental Health, Higher Education, Social Services and other governmental entities as specifically designated and limited below in paragraphs numbered as 1 through 4; and

WHEREAS, the failure to appropriate sufficient funds for the continued operations of the Departments of Elementary and Secondary Education, Health and Mental Health, Higher Education, Social Services and other governmental entities as specifically designated and limited below in paragraphs numbered as 1 through 4 would cause a serious disruption in the delivery of state and local governmental services to Missouri citizens, as the state would have insufficient funds to operate after June 30, 2003; and

WHEREAS, such a disruption in the delivery of state and local governmental services would constitute a serious threat to the health, safety, and welfare of the citizens of Missouri; and

WHEREAS, such a disruption in the delivery of state and local governmental services would impede the Governor from carrying out his duties pursuant to Article IV, Section 2, of the Constitution of Missouri to "take care that the laws are distributed and faithfully executed;" and

WHEREAS, Article IV, Section 9, authorizes the Governor to "On extraordinary occasions....convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary;" and

WHEREAS, such failure to appropriate adequate funds as required by the Constitution of the State of Missouri is an extraordinary occasion as envisioned by Article IV, Section 9, of the Constitution of the State of Missouri.

NOW, THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution and Laws of the State of Missouri, do, by this Proclamation, convene the Ninety Second General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in their respective chambers in the State Capitol in the City of Jefferson at the hour of 12:00 p.m., Central Daylight Time, June 2, 2003; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

- To appropriate sufficient money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior RX Program, in an amount sufficient to protect the health, safety and welfare of the citizens of Missouri, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri; and
- To appropriate sufficient money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein, in an amount sufficient to protect the health, safety and welfare of the citizens of Missouri, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds; and
- To appropriate sufficient money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof, in an amount sufficient to protect the health, safety and welfare of the citizens of Missouri, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri; and

- To appropriate sufficient money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof, in an amount sufficient to protect the health, safety and welfare of the citizens of Missouri, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds; and
- To enact limited revenue enhancement proposals to be approved by the voters so that they may choose to authorize revenue in an amount sufficient to protect the health, safety and welfare of the citizens of Missouri, including the necessary and essential services set forth above in paragraphs 1 through 4; and
- To amend the deadline for notification to election authorities of matters intended to be submitted to the voters for elections and to enact such legislation, with an emergency clause, in order for the state to utilize the legislation passed during this extra session; and
- Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

IN WITNESS WHEREOF, I have hereunto

set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 30th day of (SEAL) May, 2003.

/s/ Bob Holden

GOVERNOR

ATTEST:

/s/ Matt Blunt

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1--By Mathewson.

An Act to repeal sections 313.805 and 313.822, RSMo, and to enact in lieu thereof two new sections relating to gaming, with a referendum clause.

SB 2--By Childers and Caskey.

An Act to repeal sections 137.073, 143.151, 143.161, 160.530, 160.545, 162.081, 163.014, 163.015, 163.021, 163.022, 163.023, 163.025, 163.028, 163.031, 163.032, 163.034, 163.035, 163.161, 163.172, 168.500, 168.505, 168.510, 168.515, 168.520, 171.031, 174.020, 313.820, RSMo, and section 171.031 as truly agreed to and finally passed by the first regular session of the ninety-second general assembly in conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 686, and section 174.020 as truly agreed to and finally passed by the first regular session of the ninety-second general assembly in senate substitute no. 2 for senate committee substitute for senate bill no. 55, and to enact in lieu thereof fourteen new sections relating to education, with a referendum clause.

SB 3--By Childers.

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales taxes, with a referendum clause.

CONCURRENT RESOLUTIONS

Senators Mathewson and Caskey offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 1

WHEREAS, the state of Missouri has been subjected to extreme economic hardship as a result of a contracting national economy and loss of jobs; and

WHEREAS, this national economic contraction and loss of jobs resulted in serious fiscal shortfalls for the state of Missouri; and

WHEREAS, the remedy of this emergency is vested in the duly elected General Assembly of the state of Missouri under the Constitution of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Extraordinary Session, the House of Representatives concurring therein, hereby resolve to reject receipt of our per diems, office allowances and appurtenances thereto for the entirety of the First Extraordinary Session of this General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution so that its intention and direction be expedited forthwith.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 4-By Goode.

An Act to amend chapters 136, 143, 149, and 313, RSMo, by adding thereto six new sections relating to the Hancock Health, Education, and Safety Surcharge Fund, with a referendum clause.

SB 5-By Goode.

An Act to repeal sections 313.805 and 313.820, RSMo, and to enact in lieu thereof two new sections relating to licensed gaming activities, with a contingent effective date.

SB 6-By Goode.

An Act to repeal sections 143.091, 143.121,

143.124, 143.225, 143.261, 143.431, 143.451, 144.010, 145.011, 145.091, 145.481, 145.961, 145.995, 145.1000, and 351.484, RSMo, sections 144.030, 144.081, 144.190, 306.016, and 484.053 as truly agreed to and finally passed by the first regular session of the ninety-second general assembly in conference committee substitute for senate substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 600, and to enact in lieu thereof twenty-one new sections relating to taxation, with a contingent effective date.

Senator Shields assumed the Chair.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Tuesday, June 3, 2003.

SENATE CALENDAR

SECOND DAY-TUESDAY, JUNE 3, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Mathewson

SB 2-Childers and Caskey

SB 3-Childers

SB 4-Goode

SB 5-Goode

SB 6-Goode

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SECOND DAY--TUESDAY, JUNE 3, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 3, regarding the St. Louis Physical Therapy and Rehabilitation Network, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1--Ways and Means.

SB 2--Ways and Means.

SB 3--Ways and Means.

SB 4--Ways and Means.

SB 5--Ways and Means.

SB 6--Ways and Means.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 7--By Russell.

An Act relating to tax credits.

On motion of Senator Yeckel, the Senate adjourned until 1:00 p.m., Wednesday, June 4, 2003.

SENATE CALENDAR

THIRD DAY-WEDNESDAY, JUNE 4, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 7-Russell

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

THIRD DAY--WEDNESDAY, JUNE 4, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 4, regarding Jerico Riley, St. Louis, which was adopted.

On behalf of Senator Steelman, Senator Gibbons offered Senate Resolution No. 5, regarding the death of Highway Patrolman Michael L. Newton, which was adopted.

Senator Childers offered Senate Resolution No. 6, regarding Rosella Hamilton, Kimberling City, which was adopted.

Senator Childers offered Senate Resolution No. 7, regarding Dennis G. Epperly, Cassville, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 8, regarding Eric Daniel Lorenz, Trenton, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 9, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Franklin M. Adams, St. Joseph, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 10, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Myers, Savannah, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 11, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Orr, Hamilton, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 12, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gene Knapp, Trenton, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 13, regarding Russell "Rusty" Burge, Mound City, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 14, regarding Benjamin J. "Ben" Graves, Chillicothe, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 15, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Gentry, Bethany, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 16, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Franklin M. Adams, Maryville, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 17, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glen Zahnd, Savannah, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 18, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Singleton, Chula, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 19, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ray Dennis, Brookfield, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 20, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Brown, Trenton, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 21, regarding Jacquelyn D. "Jackie" Martin, Jefferson City, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 22, regarding Karen Michelson, Jefferson City, which was adopted.

Senator Kinder offered Senate Resolution No. 23, regarding the Ninetieth Birthday of Rose L. Moss, Fredericktown, which was adopted.

Senator Kinder offered Senate Resolution No. 24, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe L. Ruhl, Sikeston, which was adopted.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 7--Ways and Means.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

June 3, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Midwestern Higher Education Commission

Dear Terry:

Pursuant to Section 173.700, RSMo 2002, I am appointing Senator Norma Champion to the Midwestern Higher Education Commission.

Please do not hesitate to contact me if you have further questions.

Sincerely,

/s/ Peter D. Kinder

PETER D. KINDER

President Pro Tem

On motion of Senator Gibbons, the Senate adjourned until 1:00 p.m., Thursday, June 5, 2003.

SENATE CALENDAR

FOURTH DAY-THURSDAY, JUNE 5, 2003

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FOURTH DAY--THURSDAY, JUNE 5, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

RESOLUTIONS

On behalf of Senator Steelman, Senator Kinder offered Senate Resolution No. 25, regarding Nancy A. Upschulte, Jefferson City, which was adopted.

Senator Kinder offered Senate Resolution No. 26, regarding Nancie McAnaug, Jefferson City, which was adopted.

On behalf of Senator Cauthorn, Senator Kinder offered Senate Resolution No. 27, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bernard "Bun" Uhlmeier, Canton, which was adopted.

On behalf of Senator Cauthorn, Senator Kinder offered Senate Resolution No. 28, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Burney LeRoy "Roy" Fishback, Perry, which was adopted.

On behalf of Senator Cauthorn, Senator Kinder offered Senate Resolution No. 29, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence O'Brien, Durham, which was adopted.

On behalf of Senator Cauthorn, Senator Kinder offered Senate Resolution No. 30, regarding Jack Magruder, Kirksville, which was adopted.

On behalf of Senator Cauthorn, Senator Kinder offered Senate Resolution No. 31, regarding the Audrain County American Cancer Association Relay For Life, which was adopted.

On behalf of Senator Caskey, Senator Kinder offered Senate Resolution No. 32, regarding the Eighty-fifth Birthday of Wanda A. Brown, Harrisonville, which was adopted.

On motion of Senator Kinder, the Senate adjourned until 12:30 p.m., Friday, June 6, 2003.

SENATE CALENDAR

FIFTH DAY-FRIDAY, JUNE 6, 2003

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FIFTH DAY--FRIDAY, JUNE 6, 2003

The Senate met pursuant to adjournment.

Senator Yeckel in the Chair.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 33, regarding the Handi-Shop, Incorporated, Mexico, which was adopted.

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 34, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gordon Ford, Glenwood, which was adopted.

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 35, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leland Oliver, Arbela, which was adopted.

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 36, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Hedges, Hannibal, which was adopted.

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 37, regarding Hailey McHatton, Mexico, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education and other state agencies included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Yeckel, the Senate adjourned until 11:00 a.m., Monday, June 9, 2003.

SENATE CALENDAR

SIXTH DAY-MONDAY, JUNE 9, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2

HCS for HB 3

HCS for HB 10

HCS for HB 11

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SIXTH DAY--MONDAY, JUNE 9, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

RESOLUTIONS

On behalf of Senator Bland, Senator Yeckel offered Senate Resolution No. 38, regarding Brendan Edward Wilson, Kansas City, which was adopted.

On behalf of Senator Bland, Senator Yeckel offered Senate Resolution No. 39, regarding the death of Marvia Nell Thompson, Kansas City, which was adopted.

On behalf of Senator Loudon, Senator Yeckel offered Senate Resolution No. 40, regarding Andrew Michael "Drew" Schmidt, Chesterfield, which was adopted.

On behalf of Senator Loudon, Senator Yeckel offered Senate Resolution No. 41, regarding Elliot Stephen Schmidt, Chesterfield, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 2--Appropriations.

HCS for HB 3--Appropriations.

HCS for HB 10--Appropriations.

HCS for HB 11--Appropriations.

On motion of Senator Yeckel, the Senate adjourned until 2:30 p.m., Tuesday, June 10, 2003.

SENATE CALENDAR

SEVENTH DAY-TUESDAY, JUNE 10, 2003

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SEVENTH DAY--TUESDAY, JUNE 10, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

RESOLUTIONS

On behalf of Senator Caskey, Senator Yeckel offered Senate Resolution No. 42, regarding the NCAA Division II National Champion Central

Missouri State University Baseball Mules, Warrensburg, which was adopted.

On motion of Senator Yeckel, the Senate adjourned until 10:00 a.m., Wednesday, June 11, 2003.

SENATE CALENDAR

EIGHTH DAY-WEDNESDAY, JUNE 11, 2003

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

EIGHTH DAY--WEDNESDAY, JUNE 11, 2003

The Senate met pursuant to adjournment.

Senator Foster in the Chair.

RESOLUTIONS

On behalf of Senators Bland, Coleman and Days, Senator Yeckel offered Senate Resolution No. 43, regarding the National Organization of Black Elected Legislative Women, which was adopted.

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 44, regarding the One Hundred Second Birthday of Lillian Janes, Mexico, which was adopted.

On behalf of Senator Champion, Senator Yeckel offered Senate Resolution No. 45, regarding the Southwest Missouri State University Bears Baseball Team, Springfield, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Yeckel, the Senate adjourned until 11:00 a.m., Thursday, June 12, 2003.

SENATE CALENDAR

NINTH DAY-THURSDAY, JUNE 12, 2003

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HCS for HB 2, with SCS (Russell)

HCS for HB 3, with SCS (Russell)

HCS for HB 10, with SCS (Russell)

HCS for HB 11, with SCS (Russell)

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

NINTH DAY--THURSDAY, JUNE 12, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Senator Bartle offered the following prayer:

Father, we ask for Your wisdom, today, as we face very challenging times and very difficult decisions. And we pray that You will bless this body - I pray that You'll bless our discussions and our debate today.

Father, we especially ask for Your intervention in bringing about healing in Mike Keathley. And Father, we pray that You will encourage him as he awakes facing the cloud of cancer.

Father, we pray also for Kristen Vogel - pray that You'll fully and completely heal Senator Vogel's daughter. And we pray she'll have no residual effects from her automobile accident. It's in Jesus Christ's Name we pray, Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Monday, June 2, 2003; Tuesday, June 3, 2003; Wednesday, June 4, 2003; Thursday, June 5, 2003; Friday, June 6, 2003; Monday, June 9, 2003; Tuesday, June 10, 2003; and Wednesday, June 11, 2003, were read and approved.

Photographers from KRCG-TV, KOMU-TV, KMIZ-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Wheeler	Yeckel--31	

Absent with leave--Senators

Stoll	Vogel--2
	Vacancies--1

RESOLUTIONS

Senator Shields offered Senate Resolution No. 46, regarding Ann Teresa Stock, which was adopted.

Senator Shields offered Senate Resolution No. 47, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ray Krumme, St. Joseph, which was adopted.

Senator Klindt offered Senate Resolution No. 48, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vane Newton, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 49, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. C. Max Lykins, Albany, which was adopted.

Senator Cauthorn offered Senate Resolution No. 50, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Aegerter, Sr., Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 51, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. George Lyle, Hannibal, which was adopted.

Senator Dougherty offered Senate Resolution No. 52, regarding Victoria Niekamp, Jefferson City, which was adopted.

Senator Dougherty offered Senate Resolution No. 53, regarding Michael J. Heck, St. Louis, which was adopted.

Senator Mathewson offered Senate Resolution No. 54, regarding Joan M. Banion, Sedalia, which was adopted.

Senator Champion offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 55

WHEREAS, Southwest Missouri State University is one of eight universities preparing to compete in the 2003 NCAA Division I Baseball College World Series, which begins Friday, June 13, in Omaha, Nebraska; and

WHEREAS, SMS won its way into the College World Series by winning the Regional Championship in Lincoln, Nebraska, two weeks ago, and then beating Ohio State University in a best-of-three series in Columbus, Ohio, this past weekend; and

WHEREAS, in the twenty-two years since SMS moved to Division I in 1982, the SMS baseball team has competed in post-season competition seven times, including six times in the past eight years; and

WHEREAS, SMS is making its first appearance in the College World Series since the university made the move to Division I; and

WHEREAS, SMS enters the College World Series with a record of 40-24 and with seven players having been drafted in the recent Major League Baseball draft; and

WHEREAS, SMS's first game in the College World Series is against the No. 1 ranked team in the country, the Rice University Owls, on Saturday, June 14; and

WHEREAS, all of the games in the College World Series will be televised on ESPN or CBS; and

WHEREAS, the baseball team's success helped SMS win the Missouri Valley Conference All-Sports Championship in 2003, making it the third time in four years that SMS has won this championship:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, hereby proudly join the Honorable Norma Champion in congratulating the SMS Bears baseball team on an outstanding season and wish Coach Keith Guttin, the assistant coaches, staff and the Bears good luck in the College World Series; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Coach Keith Guttin, the assistant coaches, staff and the Southwest Missouri State University Bears.

Senator Bartle offered Senate Resolution No. 56, regarding Robert Hertzog, D.V.M., Lee's Summit, which was adopted.

On behalf of Senator Stoll, Senator Jacob offered Senate Resolution No. 57, regarding Todd Anthony Mayberry, Cape Girardeau, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 2**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 2** be adopted.

Senator Gross assumed the Chair.

Senator Shields assumed the Chair.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2, Page 2, Section 2.015, Line 4, by deleting the number "1,690,920,021" and inserting in lieu thereof the number "1,713,539,539"; and

Further amend said section, line 5, by deleting the number "351,747,317" and inserting in lieu thereof the number "356,452,658"; and

Further amend said section, line 12, by deleting the number "2,084,959,803" and inserting in lieu thereof the number "2,112,284,662"; and

Further amend said bill, page 14, section 2.305, by deleting the number "1,793,724,316" and inserting in lieu thereof the number "1,821,049,175"; and amend section and bill totals accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Mathewson, Quick and Wheeler.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bartle	Bland	Caskey	Dolan
Griesheimer	Jacob	Kennedy	Mathewson
Quick	Steelman	Wheeler-- 11	
NAYS--Senators			
Bray	Cauthorn	Champion	Childers
Clemens	Dougherty	Foster	Gibbons
Goode	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Yeckel-- 18		
Absent--Senators--None			
Absent with leave--Senators			
Coleman	Days	Stoll	Vogel--4
Vacancies-- 1			

Senator Russell moved that **SCS** for **HCS** for **HB 2** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 2** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Yeckel-- 22		
NAYS--Senators			
Bland	Bray	Caskey	Jacob
Kennedy	Quick	Wheeler-- 7	
Absent--Senators--None			
Absent with leave--Senators			
Coleman	Days	Stoll	Vogel--4
Vacancies-- 1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 3**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education and other state agencies included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for HCS for HB 3, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that SCS for HCS for HB 3 be adopted.

Senator Bartle assumed the Chair.

Senator Jacob offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 6, Section 3.135, Line 4, by deleting the number "85,343,013" and inserting in lieu thereof the number "85,878,647"; and further amend said bill, section 3.145, line 3, by deleting the number "3,997,052" and inserting in lieu thereof the number "4,015,215"; and further amend said bill, section 3.150, line 3, by deleting the number "47,388,426" and inserting in lieu thereof the number "47,605,010"; and further amend said bill, section 3.155, line 3, by deleting the number "38,588,653" and inserting in lieu thereof the number "38,765,141"; and further amend said bill, section 3.160, line 3, by deleting the number "70,270,802" and inserting in lieu thereof the number "70,591,223"; and further amend said bill, section 3.165, by deleting the number "14,749,068" and inserting in lieu thereof the number "14,816,579"; and further amend said bill, section 3.170, line 3, by deleting the number "35,891,309" and inserting in lieu thereof the number "36,055,461"; and further amend said bill, section 3.175, line 3, by deleting the number "26,460,240" and inserting in lieu thereof the number "26,580,526"; and further amend said bill, section 3.180, line 3, by deleting the number "18,576,039" and inserting in lieu thereof the number "18,660,000"; and further amend said bill, section 3.185, line 3, by deleting the number "18,242,795" and inserting the number "18,325,385"; and further amend said bill, section 3.190, line 3, by deleting the number "8,637,090" and inserting in lieu thereof the number "8,676,500"; and further amend said bill, section 3.195, line 4, by deleting the number "350,439,599" and inserting in lieu thereof the number "352,041,363"; and amend totals accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Bray, Dougherty and Mathewson.

SA 1 failed of adoption by the following vote:

YEAS--Senators

Bland	Bray	Caskey	Dolan
Jacob	Kennedy	Wheeler--7	

NAYS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler

Russell	Scott	Shields	Steelman
Yeckel--21			
	Absent--Senator Quick--1		
	Absent with leave--Senators		
Coleman	Days	Stoll	Vogel--4
	Vacancies--1		

Senator Russell moved that **SCS** for **HCS** for **HB 3** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 3** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Yeckel--24
	NAYS--Senators		
Bland	Bray	Caskey	Jacob
Wheeler--5			
	Absent--Senators--None		
	Absent with leave--Senators		
Coleman	Days	Stoll	Vogel--4
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 10**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 10**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health,

the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 10** be adopted.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 30, Section 10.720, Line 5, by inserting immediately after said section the following new section:

"Section 10.725. To the Department of Health and Senior Services

For the Division of Maternal, Child and Family Health

1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are preconception services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling is defined as providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide. An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services, including its own independent affiliate. Nondirective counseling relating to pregnancy may be provided. None of these funds may be paid or granted to an organization or an affiliate of an organization that provides abortion services. An organization that receives these funds may not display or distribute marketing materials about abortion services to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services, and to ensure that an organization that provides abortion services does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services may not share any of the following:

(a) The same or similar name;

(b) Medical or non-medical facilities, including but not limited to business offices, treatment, consultation, examination, and waiting rooms;

(c) Expenses;

(d) Employee wages or salaries; or

(e) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment

and office supplies.

An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect economic or marketing benefit from these funds. An independent audit shall be conducted at least once every three years to ensure compliance with this section. If the organization is an affiliate of an organization which provides abortion services, the independent audit shall be conducted at least annually. The audit shall be conducted by either an independent auditing firm retained by the department of health or by an independent auditing firm approved by the department and retained by an organization receiving these funds. Any organization receiving federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required under the federal act, but otherwise prohibited pursuant to this section if:

- 1) Specifically directed by United States Secretary of Health and Human Services to perform such services by written order directed to the organization; and
- 2) Such order is final and no longer subject to appeal, and
- 3) The refusal to perform such required services will result in the withholding of federal funds to said organization.

Federal statutory or regulatory provisions or guidelines of general application shall not constitute such written order as described herein.

2. If any provision of subsection 1 of this section is held invalid, the provision shall be severed from subsection 1 of this section and the remainder of subsection 1 of this section shall be enforced. If the entirety of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3 of this section; otherwise subsections 3 and 5 of this section shall have no effect.

3. For the purpose of funding family planning services, pregnancy testing, and follow-up services that are provided directly by the Department of Health or provided directly by government agencies of this state or provided directly by any political subdivision of this state or provided directly by community mental health centers organized pursuant to sections 205.975 to 205.990, RSMo, or provided directly by community action agencies organized pursuant to sections 660.370 to 660.374, RSMo, through contractual agreement with the department, provided that none of the funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are preconception services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling is defined as providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide. An entity that receives funds pursuant to this subsection may not directly refer patients who seek abortion services to any organization that provides abortion services. Nondirective counseling relating to pregnancy may be provided. None of the funds provided pursuant to this subsection may be paid or granted to an entity that provides abortion services. Any entity receiving funds pursuant to this subsection may not display or distribute marketing materials about abortion services to patients. An independent audit shall be conducted at least once every three years to ensure compliance with this section. The audit shall be conducted by either an independent auditing firm retained by the Department of Health or by an independent auditing firm approved by the department and retained by the entity receiving these funds. Any entity receiving federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required under the federal act, but otherwise prohibited pursuant to this section if:

- 1) Specifically directed by the United States Secretary of Health and Human Services to perform such services by written order directed to the entity; and

2) Such order is final and no longer subject to appeal, and

3) The refusal to perform such required services will result in the withholding of federal funds to said entity.

Federal statutory or regulatory provisions or guidelines of general application shall not constitute such written order as described herein.

4. If the entirety of subsection 1 of this section is held invalid and any provision of subsection 3 of this section is held invalid, then this appropriation shall be in accordance with subsection 5; otherwise subsection 5 shall have no effect.

5. For the purpose of funding family planning services, pregnancy testing, and follow-up services that are provided directly by the Department of Health or provided by government agencies of this state or provided directly by any political subdivision of this state through contractual agreement with the department, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are preconception services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling is defined as providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide. The department and any other government entity receiving funds pursuant to this subsection may not directly refer patients who seek abortion services to any organization that provides abortion services. Nondirective counseling relating to pregnancy may be provided. None of the funds provided pursuant to this subsection may be paid or granted to a government entity that provides abortion services. The department and any other government entity receiving funds pursuant to this subsection may not display or distribute marketing materials about abortion services to patients. An independent audit shall be conducted at least once every three years to ensure compliance with this section. The audit shall be conducted by either an independent auditing firm retained by the Department of Health or by an independent auditing firm approved by the department and retained by the government entity receiving these funds. Any government entity receiving federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required under the federal act, but otherwise prohibited pursuant to this section if:

1) Specifically directed by the United States Secretary of Health and Human Services to perform such services by written order directed to the government entity; and

2) Such order is final and no longer subject to appeal, and

3) The refusal to perform such required services will result in the withholding of federal funds to said government entity.

Federal statutory or regulatory provisions or guidelines of general application shall not constitute such written order as described herein.

From General Revenue Fund \$3,618,639

From Federal Funds 1,464,819

Total (0 F.T.E.) \$5,083,458".

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Dougherty, Jacob and Wheeler.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Dougherty
Goode	Jacob	Quick	Wheeler--8
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Yeckel--21			
Absent--Senators--None			
Absent with leave--Senators			
Coleman	Days	Stoll	Vogel--4
Vacancies--1			

Senator Russell moved that **SCS** for **HCS** for **HB 10** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 10** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Yeckel--22		
NAYS--Senators			
Bland	Bray	Caskey	Jacob
Kennedy	Quick	Wheeler--7	
Absent--Senators--None			
Absent with leave--Senators			
Coleman	Days	Stoll	Vogel--4
Vacancies--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 11**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 11** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 10, Section 11.160, by deleting said section and inserting in lieu thereof the following new section:

"Section 11.160. To the Department of Social Services

For the Family Support Division

For the purpose of funding receipt and disbursement of Supplemental Security Income Program payments and funding General Relief benefits payable for periods prior to July 1, 2003 **and General Relief benefits payable for the period beginning July 1, 2003 and ending June 30, 2004.**

From General Revenue Funds \$10,000,000

From Federal

Funds \$4,000,000

Total \$14,000,000";

And adjust bill totals accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Russell offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 33, Section 11.480, Line 13, by deleting the number "\$1,000,000" and inserting in lieu thereof the number "\$2,000,000" and adjust bill totals accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HCS** for **HB 11**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 11**, as amended, was read the 3rd time and passed by the

following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Wheeler	Yeckel--24
NAYS--Senators			
Bland	Bray	Jacob	Kennedy
Quick--5			
Absent--Senators--None			
Absent with leave--Senators			
Coleman	Days	Stoll	Vogel--4
Vacancies--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 58, regarding Inter/Serv, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 59, regarding Helen Wilson, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 60, regarding Barbara Sprong, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 61, regarding Kendra Hodgin, St. Joseph, which was adopted.

Senator Klindt offered Senate Resolution No. 62, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. G. A. Iddings, Coffey, which was adopted.

Senator Klindt offered Senate Resolution No. 63, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Lacy, Eagleville, which was adopted.

Senator Klindt offered Senate Resolution No. 64, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clayton Snyder, Cameron, which was adopted.

Senator Klindt offered Senate Resolution No. 65, regarding Janice Phelps, Rockport, which was adopted.

Senator Clemens offered Senate Resolution No. 66, regarding the Class 1 Champion Sparta High School Baseball Trojans, which was adopted.

Senator Kinder offered Senate Resolution No. 67, regarding Sylvester Brown, St. Louis, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

June 12, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Personal Independence Commission

Dear Terry:

Pursuant to Executive Order 01-08, I am appointing Senator Bill Foster to the Personal Independence Commission.

Please do not hesitate to contact me if you have further questions.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

On behalf of Senators Dougherty, Coleman and himself, Senator Kennedy introduced to the Senate, David Boyd, Dallas, Texas.

On motion of Senator Gibbons, the Senate adjourned until 3:00 p.m., Monday, June 16, 2003.

SENATE CALENDAR

TENTH DAY-MONDAY, JUNE 16, 2003

RESOLUTIONS

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

TENTH DAY--MONDAY, JUNE 16, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord was with him." (Genesis 39:23b)

Heavenly Father, it is through difficult times when decisions must be made that we need Your blessed presence, assurance and guidance that You are guiding our steps and are truly with us. Bless us now and help us, as You would want us to help others. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, June 12, 2003, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Yeckel--28
Absent with leave--Senators			
Champion	Clemens	Loudon	Stoll
Wheeler--5			
Vacancies--1			

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 68, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Henry Drury, St. Louis, which was adopted.

Senator Bland offered Senate Resolution No. 69, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. William Runnels, Kansas City, which was adopted.

Senator Griesheimer offered Senate Resolution No. 70, regarding the Red Cedar Inn, Pacific, which was adopted.

Senator Foster offered Senate Resolution No. 71, regarding Garrett Gerard Jansen, Advance, which was adopted.

Senator Foster offered Senate Resolution No. 72, regarding Adam R. Campa, Poplar Bluff, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 10** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 11** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 2** and grant the House a conference thereon, which motion prevailed.

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 10** and grant the House a conference thereon, which motion prevailed.

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 11**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2**: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 10**: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Madelynn Gross, St. Charles; and Madelynn was made an honorary page.

Senator Jacob introduced to the Senate, Ayesha Ahmed, St. Louis; and Ayesha was made an honorary page.

The President introduced to the Senate, Brenda Shields, St. Joseph.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

ELEVENTH DAY-TUESDAY, JUNE 17, 2003

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS (Russell)

HCS for HB 10, with SCS (Russell)

HCS for HB 11, with SCS, as amended
(Russell)

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

ELEVENTH DAY--TUESDAY, JUNE 17, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"Give me understanding, and I shall keep your law; I shall keep it with all my heart." (Psalm 119:34)

Merciful God, we pray for wisdom and understanding as we go through days of differing opinions and voices that cry out to us from many corners of the state. Bless us so we might do all You require of us with all our hearts, filled with passion for Your law. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
Absent with leave--Senator Stoll--1			
Vacancies--1			

RESOLUTIONS

Senator Days offered Senate Resolution No. 73, regarding Lieutenant Colonel Uri K. Walker, Pasadena Hills, which was adopted.

Senator Bartle offered Senate Resolution No. 74, regarding Greg Johnson, Blue Springs, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 3** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2**. Representatives: Bearden, Lager, Fares, Wilson (42), Graham.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**. Representatives: Bearden, Lager, Purgason, Wilson (25), El-Amin.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 11**, as amended. Representatives: Bearden, Lager, Purgason, Campbell and Brooks.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 3** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 3**: Senators Russell, Gross, Shields, Goode and Dougherty.

On motion of Senator Gibbons, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Russell offered Senate Resolution No. 75, regarding Mike Ward, Camdenton, which was adopted.

Senator Childers offered Senate Resolution No. 76, regarding the Sixty-fourth Wedding Anniversary of Mr. and Mrs. Richard Flood, Highlandville, which was adopted.

Senators Mathewson, Bartle, Bland, Bray, Caskey, Cauthorn, Champion, Childers, Clemens, Coleman, Days, Dolan, Dougherty, Foster, Gibbons, Goode, Griesheimer, Gross, Jacob, Kennedy, Kinder, Klindt, Loudon, Nodler, Quick, Russell, Scott, Shields, Steelman, Stoll, Vogel, Wheeler and Yeckel offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 77

WHEREAS, there is tremendous sorrow in the hearts of the members of the Missouri Senate as we continue to mourn the passing of our dear friend and long-time colleague, the Honorable Ronnie DePasco, Missouri State Senator of the Eleventh District; and

WHEREAS, Senator DePasco departed this life on Saturday, May 24, 2003, breaking the hearts of those near and dear to him, but leaving his family, community, state, and nation with a priceless treasure of wonderful memories and an impressive legacy of significant achievements guaranteeing a better quality of life for all Missourians; and

WHEREAS, born at St. Joseph Hospital in Kansas City on March 19, 1943, son of Nick DePasco, Jr., and Mildred Anderson DePasco, Senator DePasco received his education at Maple Woods Junior College and went on to distinguish himself through an outstanding record of public service as a highly respected member of the Missouri General Assembly with his initial election to the House of Representatives in 1976 and his subsequent election to the State Senate in 1992, where he rose to excel in his endeavors as Majority Floor Leader and as Assistant Minority Floor Leader; and

WHEREAS, during his twenty-seven year tenure as a hardworking state legislator, Ronnie DePasco tirelessly dedicated himself to the needs of his fellow citizens by giving the most of his time and the best of his ability to realize a wide range of effective legislation regarding Union Station, the Kansas City Police Department, Bartle Hall, Liberty Memorial, Workers Memorial, and military veterans; and

WHEREAS, Senator DePasco provided exceptional leadership to enhance the overall image of such important organizations as the Missouri Peace Officers Association, the Jackson County Industrial Development Authority, Blindsight, the Knights of Columbus, the Sons of Columbus, the Moose Lodge and the Fraternal Order of Eagles, UNICO, the Optimist Club, the Chamber of Commerce, the Democratic Party, the Fifth Congressional District, and Our Lady of Sorrows Catholic Church; and

WHEREAS, Senator DePasco was known, admired, and respected as a kind, warm, and compassionate individual who cared deeply for others and remained devoted to his wife, Martha McAdam DePasco; his children, Carrie and her husband Jaime Hinojosa, and Kelly and Kacie DePasco; his grandchildren, Ryan, Lauren, Alec and Julia; his sisters and brothers-in-law, Linda and Jim Hess, and Marilyn and Bob Daffer; his aunt and uncle, Del and Verlee Harbaugh; his lifelong kindergarten chum, John Deeds; and his legislative staff, Linda Burnett, Ellen Reyez and Amy Thrash:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, pause in a moment of silent reverie to reflect upon the lifetime of accomplishments realized by Ronnie DePasco in both his personal and his professional life, to express gratitude for having the opportunity to have known him and to have worked with him, and to extend our condolences to the loved ones he has left behind and our hopes and prayers that in time they will find solace and comfort in the good that he had brought about during his brief time on this most precious earth; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of the late Senator Ronnie DePasco as an expression of our sincere sympathy.

Senator Cauthorn offered Senate Resolution No. 78, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Clark, Unionville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 79, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Riedel, Centralia, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 3**. Representatives: Bearden, Lager, Fares, Harris (23) and Fraser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
- That the House recede from its position on House Committee Substitute for House Bill No. 2.
- That the attached Conference Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Kathlyn Fares
/s/ Yvonne S. Wilson
/s/ Chuck Graham

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Nodler	Russell	Shields
Steelman	Vogel	Yeckel--19	
	NAYS--Senators		
Bland	Bray	Caskey	Days
Jacob	Mathewson	Quick	Wheeler--8
	Absent--Senators		
Coleman	Klindt	Loudon	Scott--4
	Absent with leave--Senators		
Kennedy	Stoll--2		
	Vacancies--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kinder	Mathewson	Nodler
Russell	Shields	Steelman	Vogel
Wheeler	Yeckel--22		

NAYS--Senators

Bland	Bray	Days	Jacob
Quick--5			

Absent--Senators

Coleman	Klindt	Loudon	Scott--4
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Absent with leave--Senators

Kennedy	Stoll--2
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Vacancies--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 3** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 3**.

A quorum was established by the following vote:

Present--Senators

Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--28

Absent--Senators

Clemens

Coleman--3

Absent with leave--Senators

Stoll--2

Vacancies--1

Bray

Kennedy

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 3

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 3 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
- That the House recede from its position on House Committee Substitute for House Bill No. 3.
- That the attached Conference Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell

/s/ Charles R. Gross

/s/ Charlie Shields

/s/ Wayne Goode

/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden

/s/ Brad Lager

/s/ Kathlyn Fares

Jeff Harris

/s/ Barbara Fraser

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle

Cauthorn

Champion

Childers

Clemens

Dolan

Dougherty

Foster

Gibbons

Goode

Griesheimer

Gross

Kinder

Klindt

Loudon

Nodler

Russell

Scott

Shields

Steelman

Vogel

Yeckel--22

NAYS--Senators

Bland

Bray

Caskey

Coleman

Days

Jacob

Mathewson

Quick

Wheeler--9

Absent--Senators--None

Absent with leave--Senators

Stoll--2

Kennedy

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--24
	NAYS--Senators		
Bland	Bray	Coleman	Days
Jacob	Quick	Wheeler--7	
	Absent--Senators--None		
	Absent with leave--Senators		
Kennedy	Stoll--2		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 10** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 10**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS**

for **HCS** for **HB 10**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 10 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10.
- That the House recede from its position on House Committee Substitute for House Bill No. 10.
- That the attached Conference Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Chuck Purgason
Vicky Riback Wilson
/s/ Yaphett El-Amin

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Jacob	Mathewson	Quick
Wheeler--9			
Absent--Senators--None			
Absent with leave--Senators			
Kennedy	Stoll--2		
Vacancies--1			

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--24

NAYS--Senators

Bland	Bray	Coleman	Days
Jacob	Quick	Wheeler--7	

Absent--Senators--None

Absent with leave--Senators

Kennedy Stoll--2

Vacancies--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 11**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 11

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended.
- That the House recede from its position on House Committee Substitute for House Bill No. 11.
- That the attached Conference Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Chuck Purgason
/s/ Marsha Campbell
Sharon Sanders Brooks

Senator Russell moved that the above conference committee report be adopted.

Senator Jacob offered a substitute motion that the Senate refuse to adopt the Conference Committee Report on **SCS** for **HCS** for **HB 11**, as amended, and request the House to grant a further conference; and further request the House to recede from its position on the general relief fund. Senator Jacob requested a roll call vote be taken and was joined in his request by Senators Coleman, Days, Mathewson and Quick.

The substitute motion made by Senator Jacob failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Cauthorn	Coleman
Days	Dougherty	Griesheimer	Jacob
Mathewson	Quick	Wheeler--11	
	NAYS--Senators		
Bartle	Caskey	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
	Absent--Senators--None		
	Absent with leave--Senators		
Kennedy	Stoll--2		
	Vacancies--1		

Senator Russell moved that the Conference Committee Report on **SCS** for **HCS** for **HB 11**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons

Goode	Gross	Kinder	Klindt
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Griesheimer	Jacob
Mathewson	Quick	Wheeler--11	
	Absent--Senator Loudon--1		
	Absent with leave--Senators		
Kennedy	Stoll--2		
	Vacancies--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Gross	Kinder
Klindt	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
	NAYS--Senators		
Bland	Bray	Coleman	Days
Dougherty	Griesheimer	Jacob	Quick
Wheeler--9			
	Absent--Senator Loudon--1		
	Absent with leave--Senators		
Kennedy	Stoll--2		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

June 16, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointments to the Joint Interim Committee on Judicial Resources

Dear Terry:

Pursuant to Senate Concurrent Resolution 7 (2003), I am appointing the following Senators to the Joint Interim Committee on Judicial Resources:

Senator Matt Bartle, Chairman

Senator Ken Jacob

Senator John Loudon

Please do not hesitate to contact me if you have further questions.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

On motion of Senator Gibbons, the Senate adjourned until 9:30 a.m., Wednesday, June 18, 2003.

SENATE CALENDAR

TWELFTH DAY-WEDNESDAY, JUNE 18, 2003

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

TWELFTH DAY--WEDNESDAY, JUNE 18, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Photographers from KRCG-TV and the Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 2**; **CCS** for **SCS** for **HCS** for **HB 3**;

CCS for **SCS** for **HCS** for **HB 10**; and **CCS** for **SCS** for **HCS** for **HB 11**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Yeckel, the Senate adjourned until 9:00 a.m., Tuesday, June 24, 2003.

SENATE CALENDAR

THIRTEENTH DAY-TUESDAY, JUNE 24, 2003

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

THIRTEENTH DAY--TUESDAY, JUNE 24, 2003

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

RESOLUTIONS

On behalf of Senator Bland, Senator Vogel offered Senate Resolution No. 80, regarding the death of Lucile H. Bluford, Kansas City, which was adopted.

Senator Vogel offered Senate Resolution No. 81, regarding the 2003 State Champion Track and Field Women's Team from Jefferson City High School, which was adopted.

On behalf of Senator Loudon, Senator Vogel offered Senate Resolution No. 82, regarding Jonathan Sutter "Jon" Londeen, Wildwood, which was adopted.

On behalf of Senator Steelman, Senator Vogel offered Senate Resolution No. 83, regarding Beulah D. Purdham, Vienna, which was adopted.

On behalf of Senator Foster, Senator Vogel offered Senate Resolution No. 84, regarding M. Tom Eastman, Poplar Bluff, which was adopted.

On behalf of Senator Foster, Senator Vogel offered Senate Resolution No. 85, regarding the 2nd Infantry "Indian Head" Division Association, Inc., which was adopted.

Senator Vogel offered Senate Resolution No. 86, regarding Olga Christine "Chris" Morton, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 87, regarding Russell J. "Rusty" Esvelt, Jefferson City, which was adopted.

On behalf of Senator Klindt, Senator Vogel offered Senate Resolution No. 88, regarding Seth David Euler, Stewartsville, which was adopted.

On behalf of Senator Klindt, Senator Vogel offered Senate Resolution No. 89, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Estel Theis, Savannah, which was adopted.

On behalf of Senator Klindt, Senator Vogel offered Senate Resolution No. 90, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Hamilton, Bethany, which was adopted.

On behalf of Senator Klindt, Senator Vogel offered Senate Resolution No. 91, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert D. Jones, Bethany, which was adopted.

On behalf of Senator Klindt, Senator Vogel offered Senate Resolution No. 92, regarding the Fiftieth Wedding

Anniversary of Mr. and Mrs. Bill Dinsmore, Ridgeway, which was adopted.

On behalf of Senator Scott, Senator Vogel offered Senate Resolution No. 93, regarding James Bennett, Warsaw, which was adopted.

On behalf of Senator Scott, Senator Vogel offered Senate Resolution No. 94, regarding Bob Dickenson, Hermitage, which was adopted.

On behalf of Senator Scott, Senator Vogel offered Senate Resolution No. 95, regarding Lamar Sheltered Workshop, Incorporated, which was adopted.

On behalf of Senator Bland, Senator Vogel offered Senate Resolution No. 96, regarding the Reverend Dr. Joan S. Parrott, Clinton, Tennessee, which was adopted.

On behalf of Senator Griesheimer, Senator Vogel offered Senate Resolution No. 97, regarding the New Haven-Berger Fire Protection District, which was adopted.

Senator Vogel offered Senate Resolution No. 98, regarding Hazel Elder, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 99, regarding Lawanda Proctor, Russellville, which was adopted.

Senator Vogel offered Senate Resolution No. 100, regarding Raymond "Jeff" Kelley, Jefferson City, which was adopted.

On behalf of Senator Days, Senator Vogel offered Senate Resolution No. 101, regarding Terri House, Ferguson, which was adopted.

On behalf of Senator Kinder, Senator Vogel offered Senate Resolution No. 102, regarding Ray Wilson, Cape Girardeau, which was adopted.

On behalf of Senator Scott, Senator Vogel offered Senate Resolution No. 103, regarding Mark Wayne Breshears, Warsaw, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

June 18, 2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE NINETY-SECOND GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I am enclosing a Special Message to all members of the General Assembly. Please read the enclosed message during the Special Session.

Sincerely,

Bob Holden

Governor

SPECIAL MESSAGE

WHEREAS, by my Proclamation dated May 30th, 2003, I convened the Ninety Second General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

WHEREAS, in my Proclamation convening such special session I asked the General Assembly to appropriate money for the use of the Department of Elementary and Secondary Education and the Department of Higher Education in an amount sufficient to protect the health, safety, and welfare of the citizens of Missouri, especially the children of the state; and

WHEREAS, the budget the General Assembly approved during the extra session is significantly unbalanced and inadequate in that it fails to provide sufficient funds for education and those government services that protect all citizens, including children and the most vulnerable Missourians; and

WHEREAS, I hereby express my intent to veto the appropriations bill for the Department of Elementary and Secondary Education sent to me by the General Assembly in the First Extra Session of the First Regular Session because:

This bill reduces state aid to our public schools to unacceptable levels. Since a significant percentage of the foundation program supports teacher salaries, such a cut is likely to result in the layoff of teachers across the state. The elimination of the Science, Social Studies, and Health Education assessments is a step backwards in accountability of Missouri schools. The department and local school districts will be unable to determine how well students are performing in these important subject areas. Our children are our future. Reduced funding for education jeopardizes our commitment and the progress we have made to provide quality education to our children. We must protect the state's investment in education; and

WHEREAS, I hereby express my intent to veto the appropriations bill for the Department of Higher Education sent to me by the General Assembly in the First Extra Session of the First Regular Session because:

This bill reduces state aid to Missouri's two- and four-year colleges and universities to unacceptable levels. Under this bill, tuition and fees would increase, forcing a "tax increase" on low- and middle-income families. The reductions to various grant and scholarship programs will further reduce the availability of higher education opportunities. Families with lower and middle incomes may no longer be able to afford the cost of college; and

WHEREAS, the failure of the General Assembly to pass and present to me a sufficient appropriation for the Department of Elementary and Secondary Education and the Department of Higher Education has left those departments without operating funds for the duration of the new fiscal year that begins on July 1, 2003; and

WHEREAS, it is critical that the Department of Elementary and Secondary Education and the Department of Higher Education have funds to operate beginning on July 1, 2003, because without such funds these Departments would be unable to meet their many responsibilities to all of the citizens of the state of Missouri.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution and Laws of the State of Missouri, do hereby amend the matters specifically designated and limited for consideration by the General Assembly in my May 30, 2003, Proclamation by deleting from said proclamation matters for the General Assembly's consideration one through six, and by renumbering the seventh matter for the General Assembly's consideration to one.

FURTHERMORE, I HEREBY amend the matters specifically designated and limited for consideration by the General Assembly in my May 30, 2003, Proclamation to add to those remaining matters the following additional specifically designated and limited matters. The additional specifically designated and limited matters on which the action of the General Assembly is deemed necessary are as follows:

2. To appropriate sufficient money on an emergency basis, pursuant to Article III, Section 25, and Article IV, Section 25, of the Missouri Constitution, for a limited term to end no earlier than September 15, 2003, and no later than September 30, 2003, for:

a. the expenses, grants, refunds, and distributions for the continued operations of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof, in an amount sufficient to protect the health, safety, and welfare of the citizens of Missouri, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, and to transfer money among certain funds; and

b. the expenses, grants, refunds, and distributions for the continued operations of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein, in an amount sufficient to protect the health, safety, and welfare of the citizens of Missouri, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, and to transfer money among certain funds.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 18th day of June, 2003.

/s/ Bob Holden

Governor

(SEAL) ATTEST:

/s/ Matt Blunt

Secretary of State

On motion of Senator Vogel, the Senate adjourned until 12:00 p.m., Wednesday, June 25, 2003.

SENATE CALENDAR

FOURTEENTH DAY-WEDNESDAY, JUNE 25, 2003

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FOURTEENTH DAY--WEDNESDAY, JUNE 25, 2003

The Senate met pursuant to adjournment.

Senator Klindt in the Chair.

RESOLUTIONS

On behalf of Senator Stoll, Senator Klindt offered Senate Resolution No. 104, regarding Joshua Kyle "Josh" Wuertz, Crystal City, which was adopted.

On behalf of Senator Coleman, Senator Klindt offered Senate Resolution No. 105, regarding the death of Sidney R. Black, Sr., Fulton, which was adopted.

On behalf of Senator Scott, Senator Klindt offered Senate Resolution No. 106, regarding the One Hundredth Anniversary of the Bank of Urbana, Urbana, which was adopted.

On behalf of Senator Kennedy, Senator Klindt offered Senate Resolution No. 107, regarding Judge Paul J. Simon, St. Louis, which was adopted.

On behalf of Senators Dolan and Gross, Senator Klindt offered Senate Resolution No. 108, regarding the Class 4 State Baseball Champions from Francis Howell High School, St. Charles, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 102**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 103**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Klindt, the Senate adjourned until 8:30 a.m., Thursday, June 26, 2003.

SENATE CALENDAR

FIFTEENTH DAY-THURSDAY, JUNE 26, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 102-Bearden

HB 103-Bearden

RESOLUTIONS

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FIFTEENTH DAY--THURSDAY, JUNE 26, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 102--Appropriations.

HB 103--Appropriations.

On motion of Senator Kinder, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

RESOLUTIONS

On behalf of Senator Griesheimer, Senator Yeckel offered Senate Resolution No. 109,
regarding Gus Wagner, Villa Ridge, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 102**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 103**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Yeckel, the Senate adjourned until 10:30 a.m., Friday, June 27, 2003.

SENATE CALENDAR

SIXTEENTH DAY-FRIDAY, JUNE 27, 2003

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HB 102-Bearden (Russell)

HB 103-Bearden (Russell)

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SIXTEENTH DAY--FRIDAY, JUNE 27, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord has done great things for us and we are glad indeed." (Psalm 126:4)

We give You thanks, O Lord, for we have done what was required of us to the best of our ability. Now we turn it over to You, that You will make the most of our efforts for the sake of Your people. And we ask that You watch over our travel to be with loved ones and help us provide time to be with You. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Tuesday, June 17, 2003; Wednesday, June 18, 2003; Tuesday, June 24, 2003; Wednesday, June 25, 2003; and Thursday, June 26, 2003, were read and approved.

Photographers from KRCG-TV, KOMU-TV, the Associated Press, the Jefferson City News Tribune and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
Absent with leave--Senators			
Days	Mathewson--2		
	Vacancies--1		

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 110, regarding the Seventy-fifth Birthday of Margarette Louise "Dixie" Curtit, Linn, which was adopted.

Senator Kinder offered Senate Resolution No. 111, regarding Captain Trenton T. Blair, Jefferson City, which was adopted.

Senator Bland offered Senate Resolution No. 112, regarding the death of Maynard Holbrook Jackson, Jr., which was adopted.

Senator Bartle offered Senate Resolution No. 113, regarding Coach Bud Lathrop, Raytown, which was adopted.

Senator Bartle offered Senate Resolution No. 114, regarding Garrett Palmer Eversole, Baltimore, Ohio, which was adopted.

Senator Bray offered Senate Resolution No. 115, regarding Tim Dunn, Maplewood, which was adopted.

Senator Yeckel offered Senate Resolution No. 116, regarding Kristen Sanfilippo, St. Louis, which was adopted.

Senator Champion offered Senate Resolution No. 117, regarding Miss Missouri 2003 Amber Etheridge, Springfield, which was adopted.

Senator Griesheimer offered Senate Resolution No. 118, regarding Joseph Straatmann, which was adopted.

HOUSE BILLS ON THIRD READING

HB 102, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

Senator Caskey offered **SS** for **HB 102**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 102

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof for a three-month period to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Senator Caskey moved that **SS** for **HB 102** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Jacob, Kennedy and Quick.

SS for **HB 102** failed of adoption by the following vote:

YEAS--Senators

Bland

Bray

Caskey

Coleman

Dougherty

Jacob

Kennedy

Quick

Stoll

Wheeler--10

	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			

	Absent--Senators--None
	Absent with leave--Senators
Days	Mathewson--2
	Vacancies--1

On motion of Senator Russell, **HB 102** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Dougherty	Jacob	Kennedy	Quick
Stoll	Wheeler--10		
	Absent--Senator Dolan--1		
	Absent with leave--Senators		
Days	Mathewson--2		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 103, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

Was taken up by Senator Russell.

On motion of Senator Russell, **HB 103** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder

Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Dougherty	Jacob	Kennedy	Quick
Stoll	Wheeler--10		
	Absent--Senators--None		
	Absent with leave--Senators		
Days	Mathewson--2		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Kinder offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 119

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State residents who have admirably answered the patriotic call to national service through their leadership and endeavors in the United States military; and

WHEREAS, Captain Trenton T. Blair attained considerable distinction during the months of March and April in the year 2003 while on active duty with the United States Air Force; and

WHEREAS, Operations Director for the Missouri Senate in civilian life, Captain Blair served as Flight Commander of the 409th Expeditionary Services Flight, 409th Air Expeditionary Group, 16th Air Expeditionary Task Force, while stationed at Whiteman Air Force Base in Missouri and at Bourgas, Bulgaria, in support of Operation Iraqi Freedom; and

WHEREAS, in his successful role as Flight Commander, Captain Blair managed critical quality of life support for more than 380 military personnel through the standing up of field food, billeting, fitness and AAFES Exchange operations; and

WHEREAS, Captain Blair oversaw the installation of kitchen equipment to prepare 33,000 meals per month, design and construction of fitness tents, establishment of a field exchange containing more than \$20,000 worth of inventory, and servicing of more than 1,100 Operation Iraqi Freedom combat aircraft missions requiring 23 million pounds of fuel; and

WHEREAS, Captain Blair also held the position of Commander of the 442nd Services Flight, 442nd Mission Support Group, 442nd Fighter Wing operating in Bulgaria and in Cypress, Greece, which enhanced the status of the United States locally through official interactions with Bulgarian Military Police, high ranking American and foreign military officials, and dependent family members of active duty personnel:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, join unanimously to salute Captain Trenton Blair of the United States Air Force and to convey to him this legislative body's most heartfelt commendation of his recent efforts in support of Operation Iraqi Freedom and our best wishes for continued success upon his return as Operations Director for the Missouri Senate; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Captain Trenton T. Blair.

On motion of Senator Gibbons, the Senate recessed until 12:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 102** and **HB 103**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills

would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, his daughters, Megan and Madelynn, St. Charles; and Megan and Madelynn were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned until 4:00 p.m., Tuesday, July 1, 2003.

SENATE CALENDAR

SEVENTEENTH DAY-TUESDAY, JULY 1, 2003

RESOLUTIONS

SCR 1-Mathewson and Caskey

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SEVENTEENTH DAY--TUESDAY, JULY 1, 2003

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

RESOLUTIONS

On behalf of Senator Scott, Senator Vogel offered Senate Resolution No. 120, regarding the death of Helen Miller Armstrong, Lowry City, which was adopted.

Senator Vogel offered Senate Resolution No. 121, regarding Lorraine A. Riley, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 122, regarding Janice Jones, Jefferson City, which was adopted.

On behalf of Senator Gibbons, Senator Vogel offered Senate Resolution No. 123, regarding the Reverend Daniel J. "Dan" Teuscher, St. Louis, which was adopted.

On behalf of Senator Gibbons, Senator Vogel offered Senate Resolution No. 124, regarding Jack Eschenroeder, Kirkwood, which was adopted.

On behalf of Senator Bland, Senator Vogel offered Senate Resolution No. 125, regarding Kansas City Spirit, Incorporated, which was adopted.

On behalf of Senator Cauthorn, Senator Vogel offered Senate Resolution No. 126, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tommy Couch, Green Castle, which was adopted.

On behalf of Senator Cauthorn, Senator Vogel offered Senate Resolution No. 127, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Davis, Kirksville, which was adopted.

On behalf of Senator Cauthorn, Senator Vogel offered Senate Resolution No. 128, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bernard Ogle, Monroe City, which was adopted.

On behalf of Senator Cauthorn, Senator Vogel offered Senate Resolution No. 129, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Orval Roger Snow, Novelty, which was adopted.

On behalf of Senator Cauthorn, Senator Vogel offered Senate Resolution No. 130, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wendell Lloyd, Greentop, which was adopted.

On behalf of Senator Bland, Senator Vogel offered Senate Resolution No. 131, regarding the Sallis/Silas All Family National Gathering, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, Mrs. Betty Pound, Jefferson City.

The President introduced to the Senate, his wife, Mrs. Kim Vogel, Jefferson City.

Senator Vogel adjourned the First Extraordinary Session of the First Regular Session of the 92nd General Assembly sine die, pursuant to the Constitution.

JOE MAXWELL

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

JOURNAL OF THE SENATE
NINETY-SECOND GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
SECOND EXTRA SESSION
OF THE

FIRST REGULAR SESSION

FIRST DAY--MONDAY, SEPTEMBER 8, 2003

The Senate was called to order in Extra Session by Lieutenant Governor Joe Maxwell.

The Reverend Carl Gauck offered the following prayer:

Gracious God, we gather, called back to service, as responsible servants of the people of Missouri. Bless us with Your guidance in our deliberations and actions so we may best serve our people. And Lord, since we last prayed together we have seen over ninety military personnel die, including several from Missouri, as terrorists still persist in their evil. Bless the families of those who died and comfort them with Your presence. Watch over Senator Dolan and those who are in harms way every day and help us bring peace and order in this chaos. And we pray together for our Lt. Governor and for his wife, Sarah, and their family. Grant them Your mercy and comfort them with the memory of Your goodness and provide Sarah with Your healing touch, restoring her to wholeness and health. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Caskey	Cauthorn
Childers	Clemens	Coleman	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
Absent with leave--Senators			
Bray	Champion	Dolan	Kennedy--4
Vacancies--1			
The Lieutenant Governor was present.			

The Senate observed a moment of silence in memory of the late Senators Ronnie DePasco and Danny Staples.

Photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the Second Extra Session of the First Regular Session and is ready for consideration of its business.

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, that the rules of the Senate, as adopted by the Ninety-second General Assembly, First Regular Session, be declared the rules of the Second Extra Session of the First Regular Session.

Senator Mathewson, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 3

WHEREAS, it is with grateful hearts that the members of the Missouri Senate pause to recognize one of the most stellar employees ever to have graced the halls of the state capitol, Mr. Ronald K. Kirchoff of the Show-Me State town of California; and

WHEREAS, Ron Kirchoff was employed by the Missouri State Senate for thirty-four years serving as Director of Printing and Mailing, achieving success as the Senate's first Administrator, and concluding his work with the Senate by taking on the office of Acting Director of Senate Research, an important endeavor which lasted for one year and ended in his well-deserved retirement in May 2003; and

WHEREAS, in moving from the basement to the third floor, Ron continually proved he was a person dedicated to ensuring that the behind-the-scenes, day-to-day support activities of the organization were conducted in a highly professional, businesslike manner for the 140 Senators and 9 President Pro Tems he served during his tenure; and

WHEREAS, the beloved husband of Betty Kirchoff, Ron Kirchoff is deservedly proud to be known as the father of two daughters, Rhonda Meyer, who is married to David, and Paula Wolken, who is married to Ken, and the loving grandfather of four grandchildren, Caitlin and Cameron Meyer, and John and Jacob Wolken; and

WHEREAS, Ron Kirchoff derives a tremendous amount of satisfaction from running a full-time farming operation, attending sporting events and other activities featuring his grandchildren, visiting local gaming establishments occasionally, and reading:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, join unanimously to applaud the career-long accomplishments garnered by Ron Kirchoff during his more than three decades as an employee of the Missouri Senate and to convey to him this legislative body's most heartfelt commendation of his professional labors and our best wishes for continued success now and far into the future; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Ronald K. Kirchoff, as an expression of our esteem for him and his unparalleled contributions to the Missouri Senate.

COMMUNICATIONS FROM THE GOVERNOR

The President laid before the Senate the following proclamation and special message from the Governor, reading of which was waived:

PROCLAMATION

WHEREAS, the budgets the General Assembly presented to the Governor pursuant to the Constitution of the state of Missouri on May 21, 2003, June 18, 2003, and June 27, 2003 were significantly unbalanced and inadequate in that they fail to provide sufficient funds for education and those government services that protect all citizens, including children and the most vulnerable Missourians; and

WHEREAS, the failure to appropriate sufficient funds for education and vital government services has caused a serious disruption in the delivery of state and local governmental services to Missouri citizens; and

WHEREAS, such a disruption in the delivery of state and local governmental services constitutes a serious threat to the health, safety, and welfare of the citizens of Missouri; and

WHEREAS, such a disruption in the delivery of state and local governmental services impedes the Governor from carrying out his duties pursuant to Article IV, Section 2, of the Constitution of Missouri to "take care that the laws are distributed and faithfully executed;" and

WHEREAS, Article IV, Section 9, authorizes the Governor to "On extraordinary occasions ... convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary;" and

WHEREAS, such failure to appropriate adequate funds for education and vital government services as required by the Constitution of the State of Missouri is an extraordinary occasion as envisioned by Article IV, Section 9, of said Constitution.

NOW, THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution and Laws of the State of Missouri, do, by this Proclamation, convene the Ninety Second General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in their respective chambers in the State Capitol in the City of Jefferson at the hour of 12:00 p.m., Central Daylight Time, September 8, 2003; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To enact limited revenue enhancement proposals in an amount sufficient to protect the health, safety, and welfare of the citizens of Missouri.
2. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require the advice and consent of the Senate.
3. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 3rd day of (SEAL) September, 2003.

/s/ Bob Holden

GOVERNOR

ATTEST:

/s/ Matt Blunt

SECRETARY OF STATE

Also,

OFFICE OF THE GOVERNOR

STATE OF MISSOURI

Jefferson City, Missouri

September 8, 2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I am enclosing a Special Message to all members of the General Assembly. Please read the enclosed message during the Special Session.

Sincerely,

BOB HOLDEN

Governor

SPECIAL MESSAGE

WHEREAS, by my Proclamation dated September 3, 2003, I convened the Ninety Second General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

WHEREAS, SB 556 & SB 311 were enacted into law on June 16, 2003 and created hiring restrictions applicable to any person employed by an in-home service provider agency or a home health agency, where such person's name appeared on any of the background check lists in the state's family care safety registry; and

WHEREAS, SB 184 was enacted into law on July 11, 2003 and had the effect of expanding the family care safety registry to include all criminal history records for felonies and misdemeanors, including old and minor violations not affecting employees' trustworthiness or competency to provide in-home or home health services; and

WHEREAS, the unintended impact of these laws will be to require the termination of numerous current in-home services and home health employees because of a positive listing on the family care safety registry, even where such listing reflects an old or minor violation not affecting the employees' trustworthiness or competency to provide in-home or home health services; and

WHEREAS, the further unintended impact of these laws will be to require the termination of additional employees of in-home services provider agencies and home health agencies, even where such employees' job responsibilities do not involve the actual provision of in-home or home health services to any client or patient; and

WHEREAS, the needless termination of numerous qualified employees of in-home services provider agencies and home health agencies will result in further economic hardship to the State of Missouri.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution and Laws of the State of Missouri, do hereby amend the matters specifically designated and limited for consideration by the General Assembly in my September 3, 2003 Proclamation by adding to those remaining matters the following additional specifically designated and limited matters. The additional specifically designated and limited matters on which the action of the General Assembly is deemed necessary are as follows:

4. To enact limited statutory amendments giving the Department of Health and Senior Services authority to immediately promulgate rules permitting waiver of certain hiring restrictions for employees of in-home services provider agencies and home health agencies, where such employees are listed on background check lists in the family care safety registry, and the department has determined that such employees do not present a risk to the health or safety of clients or patients.

5. To enact limited statutory amendments clarifying that certain hiring restrictions for employees of in-home services provider agencies and home health agencies are applicable only to employees actually engaged in the act of providing in-home or home health services as a part of their employment.

IN WITNESS WHEREOF, I have hereunto

set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 8th day of (SEAL) September, 2003.

/s/ Bob Holden

GOVERNOR

ATTEST:

/s/ Matt Blunt

SECRETARY OF STATE

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1-By Goode and Russell.

An Act to repeal sections 143.225, 143.261, 143.431, 144.190, and section 306.016, RSMo, and to enact in lieu thereof five new sections relating to revenue for education, with an emergency clause.

SB 2-By Goode and Russell.

An Act to repeal section 143.181, RSMo, and to enact in lieu thereof one new section relating to nonresident income tax, with an emergency clause.

SB 3-By Mathewson.

An Act to repeal sections 313.805 and 313.822, RSMo, and to enact in lieu thereof two new sections relating to gaming, with a referendum clause.

SB 4-By Foster.

An Act to repeal sections 660.300 and 660.317, RSMo, and to enact in lieu thereof two new sections relating to nursing homes, with penalty provisions and an emergency clause.

SB 5-By Childers, Caskey and Russell.

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales taxes, with a referendum clause.

SB 6-By Childers, Caskey and Russell.

An Act to repeal sections 50.338, 137.073, 143.151, 143.161, 160.530, 160.545, 162.081, 163.014, 163.015, 163.021, 163.022, 163.023, 163.025, 163.028, 163.031, 163.032, 163.034, 163.035, 163.161, 163.172, 168.500, 168.505, 168.510, 168.515, 168.520, 171.031, and 313.820, RSMo, and to enact in lieu thereof fourteen new sections relating to education, with a referendum clause.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2003, while the Senate was not in session.

Joseph L. Adams, 924 Wild Cherry Lane, University City, St. Louis County, Missouri 63130, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Gilbert G. Adkins, Jr., Democrat, 203 Bluebird Lane, Lebanon, Laclede County, Missouri 65536, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 4, 2003, while the Senate was not in session.

Linda Taylor Allen, Ph.D., 3902 Cromwell Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full

term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 4, 2003, while the Senate was not in session.

Rodney Anderson, 800 Central Avenue, Monett, Barry County, Missouri 65708, as a member of the Missouri Southern State University - Joplin Board of Regents, for a term ending September 4, 2009, and until his successor is duly appointed and qualified; vice, RSMo. 174.450.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 4, 2003, while the Senate was not in session.

Lisa M. Atkins, 1340 NW 82nd Street, Apt. 5-035, Kansas City, Clay County, Missouri 64118, as a member of the Organ Donation Advisory Committee, for a term ending September 4, 2008, and until her successor is duly appointed and qualified; vice, Barry Freedman, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Judith Wall Baker, 3075 South Rangeline Road, Columbia, Boone County, Missouri 65201, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Judith K. Barker, 309 Vida Avenue, St. Louis, St. Louis County, Missouri 63125, as a member of the Board of Certification of Interpreters, for a term ending July 2, 2006, and until her successor is duly appointed and qualified; vice, Ula Williams, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2003, while the Senate was not in session.

David W. Barrow, 12704 East 51st Street, Independence, Jackson County, Missouri 64055, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2004, and until his successor is duly appointed and qualified; vice, Ian Davis, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 4, 2003, while the Senate was not in session.

Garland G. Barton, Route 3, Box 3973, Alton, Oregon County, Missouri 65606, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Marcia L. Bennett-Hazelrigg, 2817 Lovers Lane, St. Joseph, Buchanan County, Missouri 64506, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2005, and until her successor is duly appointed and qualified; vice, Christopher Gordon, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2003, while the Senate was not in session.

James E. Berry, Republican, 500 State Highway Y, Forsyth, Taney County, Missouri 65653, as a member of the State Board of Health, for a term ending July 23, 2007, and until his successor is duly appointed and qualified; vice, Harold Bengsch, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Courtney Gohn Beykirch, Republican, 1043 Country Club Drive, West Plains, Howell County, Missouri 65775, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Mari Ann Bihr, 1004 Prospect Street, Columbia, Boone County, Missouri 65203, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

George V. Boyle, 706 Wildwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on

Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Rusty A. Brown, Democrat, 16521 East 35th Court, Independence, Jackson County, Missouri 64055, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2004, and until his successor is duly appointed and qualified; vice, Warren C. Davis, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

William J. Carr, Democrat, 17657 Lasiandra Drive, Wildwood, St. Louis County, Missouri 63005, as Chairman of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 4, 2005, and until his successor is duly appointed and qualified; vice, Steve Roling, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2003, while the Senate was not in session.

Marie E. Carter, Republican, 20 Creekwood Lane, St. Louis, St. Louis County, Missouri 63124, as a member of the State Committee of Dietitians, for a term ending June 11, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Michelle Y. Cebulko, 4902 Corinth Drive, St. Joseph, Buchanan County, Missouri 64506, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, Carol Pastoret, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2003, while the Senate was not in session.

James B. Chappell, Republican, 15 Northwest 44th Street, Kansas City, Clay County, Missouri 64116, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 30, 2003, while the Senate was not in session.

Melinda Christianson, 613 Northeast St. Andrew's Circle, Lee's Summit, Jackson County, Missouri 64064, as a member of the Advisory Council for Professional Physical Therapists, for a term ending October 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 28, 2003, while the Senate was not in session.

H. Fred Christman, D.D.S., 2705 Surfside Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Dental Board, for a term ending October 16, 2008, and until his successor is duly appointed and qualified; vice, Rodney Beard, term expired. Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 13, 2003, while the Senate was not in session.

Richard A. Clemens, 1939 Wyoming Street, St. Louis City, Missouri 63118, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2006, and until his successor is duly appointed and qualified; vice, Jonathan VanderBrug, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Kathleen A. Coleton, 2 Southwest Whitlock Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 30, 2003, while the Senate was not in session.

Derek E. Conard, 3001 Southeast Galvin Road, St. Joseph, Buchanan County, Missouri 64504, as a member of the Child Abuse and Neglect Review Board, for a term ending July 30, 2006, and until his successor is duly appointed and qualified; vice, Maria V. Perron, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Michael David Conner, 10346 North Farm Road 183, Fair Grove, Greene County, Missouri 65648, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 28, 2003, while the Senate was not in session.

Lisa G. Conrad, Democrat, 16261 Route DD, Clarence, Monroe County, Missouri 63437, as a member of the State Board of Senior Services, for a term ending August 30, 2004, and until her successor is duly appointed and qualified; vice, Marie Nowak, deceased. Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2003, while the Senate was not in session.

John Nicholas Constantino, M.D., #18 Arundel Place, St. Louis City, Missouri 63105, as a member of the Mental Health Commission, for a term ending July 23, 2007, and until his successor is duly appointed and qualified; vice, David Ohlms, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 30, 2003, while the Senate was not in session.

Milamari A. Cunningham, M.D., Republican, 8202 South Bennett Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 22, 2003, while the Senate was not in session.

Angela H. da Silva, Democrat, 2664 California Avenue, St. Louis City, Missouri 63118, as a member of the St. Louis City Board of Election Commissioners, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, Audrey Jones, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2003, while the Senate was not in session.

Russell E. Dayton, 507 South Chestnut Street, Cameron, Clinton County, Missouri 64429, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Kevin D. DeSain, 1089 Prince Albert Court, O'Fallon, St. Charles County, Missouri 63366, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending October 3, 2005, and until his successor is duly appointed and qualified; vice, James S. Anderson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Laurie B. Donovan, 7 Ipswich Court, Florissant, St. Louis County, Missouri 63033, as a member of the Children's Trust Fund Board, for a term ending July 10, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 210.170.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Emily C. Dunn, 1828 Essman Dunn Road, Bourbon, Crawford County, Missouri 65441, as student representative of the Truman State University Board of Governors, for a term ending June 1, 2005, and until her successor is duly appointed and qualified; vice, Micah McKay, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2003, while the Senate was not in session.

Lillian D. Eunice, Democrat, 7753 Nacomis Drive, Normandy, St. Louis County, Missouri 63121, as a member of the State Board of Senior Services, for a term ending August 20, 2007, and until her successor is duly appointed and qualified; vice, Valerie Taylor, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Barry I. Feinberg, M.D., #3 Somerset Downs, St. Louis, St. Louis County, Missouri 63124, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2006, and until his successor is duly appointed and qualified; vice, Susan Orton, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 4, 2003, while the Senate was not in session.

Karen D. Ferguson, 12146 Whispering Oaks, Holts Summit, Callaway County, Missouri 65043, as a member of the Personnel Advisory Board, for a term ending July 31, 2006, and until her successor is duly appointed and qualified; vice, Charles Templeton, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2003, while the Senate was not in session.

Lawrence H. Fick, Republican, 411 Pyrenees Drive, Columbia, Boone County, Missouri 65203, as a member of the Central Missouri State University Board of Governors, for a term ending July 23, 2009, and until his successor is duly appointed and qualified; vice, John Lenox, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2003, while the Senate was not in session.

Marianne S. Fournie, 1010 St. Charles, Suite 702, St. Louis, St. Louis County, Missouri 63101, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until her successor is duly appointed and qualified; vice, Renee A. Routledge-Kime, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2003, while the Senate was not in session.

Richard H. Frueh, Republican, 10 Beacon Hill Lane, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

William M. Fry, Jr., 8608 East 81st Street, Raytown, Jackson County, Missouri 64138, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2003, while the Senate was not in session.

Katherine Anne Geppert, Democrat, 5803 Redwing Drive, Columbia, Boone County, Missouri 65202, as a member of the State Milk Board, for a term ending September 28, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2003, while the Senate was not in session.

Gary S. Gottesman, 504 Bonhomme Forest Drive, Olivette, St. Louis County, Missouri 63132, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending August 20, 2006, and until his successor is duly appointed and qualified; vice, Joyce Mitchell, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Phillip L. Gould, 102 Lake Forest, St. Louis, St. Louis County, Missouri 63112, as a member of the Seismic Safety Commission, for a term ending August 11, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2003, while the Senate was not in session.

Naim B. Gray, 8914 Eager Road, Brentwood, St. Louis County, Missouri 63144, as a member of the Children's Trust Fund Board, for a term ending July 23, 2006, and until his successor is duly appointed and qualified; vice, Mildred Jamison, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 30, 2003, while the Senate was not in session.

Donna R. Haley, 114 North Glenwood Avenue, Columbia, Boone County, Missouri 65203, as a member of the Missouri Head Injury Advisory Council, for a term ending July 30, 2006, and until her successor is duly appointed and qualified; vice, Melinda Elmore, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Karen K. Hall, 1702 Neihardt Drive, Branson, Taney County, Missouri 65616, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2005, and until her successor is duly appointed and qualified; vice, Pamela Hill, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Richard A. Hanson, 1307 Dunbar Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Public Employees Deferred Compensation Commission, for a term ending November 20, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Teresa L. Hensley, 805 East Gore, P.O. Box 245, Raymore, Cass County, Missouri 64083, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, Anne Schmidt, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2003, while the Senate was not in session.

Richard Ephraim Hillman, M.D., 7900 Cave Creek Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2003, while the Senate was not in session.

Peter W. Hofherr, 19300 County Road 1000, St. James, Phelps County, Missouri 65559, as Director of the Department of Agriculture, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Lowell Mohler, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Ryan W. Horsman, Republican, 13370 Prairie Creek Road, Platte City, Platte County, Missouri 64079, as a member of the Missouri Community Service Commission, for a term ending December 15, 2005, and until his successor is duly appointed and qualified; vice, Beth Mayberry, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Herb R. Johnson, 4504 Sunset Drive, Osage Beach, Camden County, Missouri 65065, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Timothy J. Klotz, 135 Anderson Street, St. Charles, St. Charles County, Missouri 63301, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Ik-Whan G. Kwon, 234 New Salem Drive, St. Louis, St. Louis County, Missouri 63108, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until his successor is duly appointed and qualified; vice, Ik-Whan G. Kwon, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Gretchen C. Lockett, 4466 West Pine Boulevard, #6B, St. Louis City, Missouri 63108, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September

4, 2003, while the Senate was not in session.

Gary W. Maienschein, 3551 Gettysburg Place, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Stacy A. Mangum, 304 SE Shamrock Lane, Blue Springs, Jackson County, Missouri 64014, as a member of the Drug Utilization Review Board, for a term ending October 15, 2003, and until his successor is duly appointed and qualified; vice, Jennifer Cordes-Rich, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Herbert W. Martin, Democrat, 606 West Red Bridge Road, Kansas City, Jackson County, Missouri 64114, as a member of the Workers' Compensation Determinations Review Board, for a term ending March 3, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Vicki L. McCarrell, 6879 Highway 135, Pilot Grove, Cooper County, Missouri 65276, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending July 10, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 633.020.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Fred L. McClure, III, 2110 Briargate Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Miguel Meneses, 2615 Madison, Kansas City, Jackson County, Missouri 64108, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, Fred Grayson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 9, 2003, while the Senate was not in session.

Lowell Mohler, Republican, 4054 Highway 179, Jefferson City, Cole County, Missouri 65109, as a member of the Conservation Commission, for a term ending July 1, 2009, and until his successor is duly appointed and qualified; vice, Howard Wood, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2003, while the Senate was not in session.

Raymond J. Mungenast, 17611 Melrose Road, Wildwood, St. Louis County, Missouri 63038, as a member of the Missouri Head Injury Advisory Council, for a term ending July 23, 2006, and until his successor is duly appointed and qualified; vice, George R. Holske, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Andrew P. Nahlik, 15637 Century Lake Drive, Chesterfield, St. Louis County, Missouri 63017, as student representative of the Central Missouri State University Board of Governors, for a term ending July 2, 2005, and until his successor is duly appointed and qualified; vice, Jay Wilson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 13, 2003, while the Senate was not in session.

H. Bruce Nethington, Republican, 1130 South Geyer Road, Kirkwood, St. Louis County, Missouri 63122-7108, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Anitra L. Nevels, 7324 Parkview Drive, Apt. 4, St. Louis City, Missouri 63109, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Franklin D. Nickell, Democrat, 1627 Scivally Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Mississippi River Parkway Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2003, while the Senate was not in session.

Diliane Charles Pelikan, 511 Bonhomme Forest, St. Louis, St. Louis County, Missouri 63132, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Roger D. Porter, 3904 Barrington Drive, Columbia, Boone County, Missouri 65203, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2003, while the Senate was not in session.

Terri L. Powell, Republican, 1961 Marine Terrace, Apt. G, St. Louis, St. Louis County, Missouri 63146, as a member of the State Committee of Dietitians, for a term ending June 11, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2003, while the Senate was not in session.

Gerald L. Randall, Democrat, 7722 Northeast 51st, Kansas City, Clay County, Missouri 64119, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2003, while the Senate was not in session.

Linda Brown Reed, #9 Princeton, University City, St. Louis County, Missouri 63130, as a member of the Children's Trust Fund Board, for a term ending August 6, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 210.170.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Tracy Maria Reed, D.P.M., Democrat, 14291 Riverfront Drive, Florissant, St. Louis County, Missouri 63034, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2004, and until her successor is duly appointed and qualified; vice, Laurel Bondi, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2003, while the Senate was not in session.

Tracy Maria Reed, D.P.M., 14291 Riverfront Drive, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2003, while the Senate was not in session.

David E. Richards, 2664 S. Catalina Avenue, Springfield, Greene County, Missouri 65804, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2004, and until his successor is duly appointed and qualified; vice, Addison Williams, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 6, 2003, while the Senate was not in session.

Margaret J. Russell, 9425 East 90th Terrace, Kansas City, Jackson County, Missouri 64138, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2009, and until her successor is duly appointed and qualified; vice, Dawn Gaines, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Orville L. Schaefer, 218 Smith Street, Perryville, Perry County, Missouri 63775, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2006, and until his successor is duly appointed and qualified; vice, Chester Dudley, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

John A. Scherr, 2353 Malibu Drive, St. Charles, St. Charles County, Missouri 63303, as a member of the Missouri Head Injury Advisory Council, for a term ending July 2, 2006, and until his successor is duly appointed and qualified; vice, Lynne Unnerstall, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Pamela J. Schneeflock, 601 W. Main, Savannah, Andrew County, Missouri 64485, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 13, 2003, while the Senate was not in session.

Jolene M. Schulz, Democrat, 1716 Stirling Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service

Commission, for a term ending December 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Henry D. Shannon, 11518 Rosary Lane, St. Louis, St. Louis County, Missouri 63138, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until his successor is duly appointed and qualified; vice, James Ritter, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Loramel P. Shurtleff, Republican, 309 W. Burnam Road, Columbia, Boone County, Missouri 65203, as a member of the Public Defender Commission, for a term ending December 30, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

John W. Siscel, III, Republican, 4804 Marchwood Drive, St. Louis, St. Louis County, Missouri 63128, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2006, and until his successor is duly appointed and qualified; vice, Thomas Thomas, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Barbara B. Smith, 208 Ellen Street, Sikeston, Scott County, Missouri 63801, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Nancy D. Anderson Tayborn, Democrat, 4339 Randall Place, St. Louis City, Missouri 63107, as a member of the Missouri Minority Business Advocacy Commission, for a term ending September 2, 2006, and until her successor is duly appointed and qualified; vice, Kaven Swan, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2003, while the Senate was not in session.

Charles W. Tyler, 4027 Juniata Street, St. Louis City, Missouri 63116, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 10, 2003, while the Senate was not in session.

Lorene A. Van Dam, Republican, 2477 Pioneer Point Road, Galena, Stone County, Missouri 65656, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2003, while the Senate was not in session.

Daniel L. Vornberg, 556 Purdue, University City, St. Louis County, Missouri 63130, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2003, while the Senate was not in session.

Deleta Parmley Williams, Democrat, 110 East Hale Lake Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Central Missouri State University Board of Governors, for a term ending August 20, 2009, and until her successor is duly appointed and qualified; vice, Robert Russell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 4, 2003, while the Senate was not in session.

Lori L. Williamson-Kruse, 1302 Bradford Road, Willow Springs, Texas County, Missouri 65793, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Quentin C. Wilson, 765 Gabriel Court, Kirkwood, St. Louis County, Missouri 63122, as a member of the Midwestern Higher Education Commission, for a term ending December 29, 2003, and until his successor is duly appointed and qualified; vice, Kala Stroup, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Kelli A. Wolf, 3004 Twin Pines Avenue, Harrisonville, Cass County, Missouri 64701, as student representative of the Southwest Missouri State University Board of Governors, for a term ending July 2, 2005, and until her successor is duly appointed and qualified; vice, Angela Dorrough, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 2, 2003, while the Senate was not in session.

Roger D. Young, 801 East 7th Street, Laddonia, Audrain County, Missouri 63352, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 20, 2003, while the Senate was not in session.

Jeannette A. Zinkgraf, 1400 Marlann Drive, St. Louis, St. Louis County, Missouri 63131, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 8, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2003, while the Senate was not in session.

Steven C. Zweig, M.D., 1209 Sunset Drive, Columbia, Boone County, Missouri 65203, as a member of the Commission for the Missouri Senior Rx Program, for a term ending November 8, 2004, and until his successor is duly appointed and qualified; vice, Sam Page, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTION OF GUESTS

Senator Gibbons introduced to the Senate, Megan Crain, Columbia.

On motion of Senator Gibbons, the Senate adjourned until 10:30 a.m., Tuesday, September 9, 2003.

SENATE CALENDAR

SECOND DAY-TUESDAY, SEPTEMBER 9, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Goode and Russell

SB 2-Goode and Russell

SB 3-Mathewson

SB 4-Foster

SB 5-Childers, et al

SB 6-Childers, et al

Journal of the Senate

FIRST REGULAR SESSION

SECOND EXTRA SESSION

SECOND DAY--TUESDAY, SEPTEMBER 9, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 4, regarding Dylan Otto Schowengerdt, Raytown, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 5, regarding Kyle Michael Stillwell, Kansas City, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 6, regarding Robert Lee McVey, Lee's Summit, which was adopted.

On behalf of Senator Kennedy, Senator Gibbons offered Senate Resolution No. 7, regarding Ethan Wade Hampton, Festus, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1--Ways and Means.

SB 2--Ways and Means.

SB 3--Ways and Means.

SB 4--Aging, Families, Mental and Public Health.

SB 5--Ways and Means.

SB 6--Ways and Means.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 7-By Coleman.

An Act to repeal sections 162.581, 162.601, and 162.611, RSMo, and to enact in lieu thereof three new sections relating to qualification and election of school board members in cities not within a county.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

September 9, 2003

Mrs. Terry Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, MO 65101

Dear Terry:

Due to the absence of Senator Jon Dolan, I am hereby appointing Senator David Klindt to serve as an interim member of the Aging, Families, Mental and Public Health Committee.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

On motion of Senator Gibbons, the Senate adjourned until 10:30 a.m., Wednesday, September 10, 2003.

SENATE CALENDAR

THIRD DAY-WEDNESDAY, SEPTEMBER 10, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 7-Coleman

SENATE BILLS FOR PERFECTION

SB 4-Foster, with SCS

Journal of the Senate

FIRST REGULAR SESSION

SECOND EXTRA SESSION

THIRD DAY--WEDNESDAY, SEPTEMBER 10, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

The Reverend Carl Gauck offered the following prayer:

"The Lord was with him." (Genesis 39:23b)

Heavenly Father, it is through difficult times when decisions must be made that we need Your blessed assurance and guidance. We believe You are guiding our steps and are truly with us. Bless us now and help us, as You would want us to help others. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Monday, September 8, 2003, and Tuesday, September 9, 2003, were read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

Absent with leave--Senator Dolan--1

Vacancies--1

The Lieutenant Governor was present.

SENATE BILLS FOR PERFECTION

Senator Foster moved that **SB 4**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 4

An Act to repeal sections 660.300 and 660.317, RSMo, and to enact in lieu thereof two new sections relating to hiring restrictions for in-home and home health agencies, with penalty provisions and an emergency clause.

Was taken up.

Senator Foster moved that **SCS** for **SB 4** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **SB 4** was declared perfected and ordered printed.

RESOLUTIONS

Senators Vogel and Russell offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 8

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize Lee Mace's Ozark Opry, which is commemorating the resplendent occasion of its Fiftieth Anniversary of operation in beautiful Lake Ozark, Missouri; and

WHEREAS, Lee and Joyce Mace began Lee Mace's Ozark Opry in 1953 in the hopes of preserving the true flavor of the Ozarks through its music and dance, and giving the many young people they knew from nearby towns the opportunity to showcase their musical talent; and

WHEREAS, Lee Mace's Ozark Opry made its first home in a small building next to Bagnell Dam, and moved to its current location on Highway 54 in 1957; and

WHEREAS, Lee and Joyce Mace developed a format for their show that repeats itself night after night to one audience after another for the entire season, a concept that was emulated a few years later in Branson, Missouri, and has spread as far away as Myrtle Beach, South Carolina; and

WHEREAS, a veteran of the Korean War, Lee Mace performed Johnny Cash's "Ragged Old Flag" on the show in 1981, which became one of the show's most requested numbers and continues to touch the hearts of audience members as it is played while a spotlight shines on Lee's bass fiddle and the American flag; and

WHEREAS, following the death of her husband on June 16, 1985, Joyce Mace continued the business that she helped establish so many years ago to preserve the traditions of country music in the Ozarks; and

WHEREAS, Lee Mace's Ozark Opry currently plays six nights a week during the summer months, and continues to provide quality entertainment to those individuals who come from both near and far to enjoy a memorable evening of song and dance that was originated by Lee and Joyce Mace:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, unanimously join in extending our most hearty and robust congratulations to Joyce Mace and to the many talented performers at Lee Mace's Ozark Opry upon this very special anniversary event; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Lee Mace's Ozark Opry.

On motion of Senator Gibbons, the Senate recessed until 11:20 a.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 4**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

Senator Foster requested unanimous consent of the Senate to suspend the rules for the purpose of taking up **SCS** for **SB 4** for 3rd reading and final passage, which request was granted.

SCS for **SB 4**, entitled:

An Act to repeal sections 660.300 and 660.317, RSMo, and to enact in lieu thereof two new sections relating to hiring restrictions for in-home and home health agencies, with penalty provisions and an emergency clause.

Was taken up.

On motion of Senator Foster, **SCS** for **SB 4** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Jacob--1		
	Absent with leave--Senator Dolan--1		
	Vacancies--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson

Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Jacob--2		
	Absent with leave--Senator Dolan--1		
	Vacancies--1		

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 7--Education.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

September 9, 2003

Mrs. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointments for Joint Committee on Out-of-School Programs

Dear Terry:

Pursuant to House Concurrent Resolution No. 11 (2003 session), I am appointing the following Senators to the Joint Committee on Out-of-School Programs:

Senator Anita Yeckel, Chairman

Senator Bill Foster

Senator Mary Bland

The purpose of the Committee shall be to make a comprehensive analysis of the quantity and quality of Missouri out-of-school programs and to make recommendations for an efficient, effective out-of-school program plan to provide the opportunity for every Missouri school-age child to access quality out-of-school programs.

The Committee is authorized to hold hearings as it deems advisable and the staffs of Senate Research, House Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as requested by the Committee. The Committee shall report its recommendations and findings to the General Assembly by January 1, 2004 and the authority of such Committee shall terminate on December 31, 2003.

Thank you for your assistance in this matter.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

September 9, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment for Joint Committee on Tax Policy

Dear Terry:

Pursuant to Section 21.810.1, RSMo 2003, I am appointing the following senators to the Joint Committee on Tax Policy:

Senator Michael Gibbons, Chairman

Senator Carl Vogel

Senator John Griesheimer

Senator Ken Jacob

Senator Joan Bray

Thank you for your assistance in this matter.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Susan Henderson, Columbia.

Senator Bartle introduced to the Senate, Lynn Vogel, Independence; and Leila Cohoon, Lee's Summit.

Senator Gibbons introduced to the Senate, Dewey Crepeau, Boone County.

Senator Champion introduced to the Senate, her sister Sharon Winn and her husband, Pat, St. Louis.

On behalf of Senator Russell and himself, Senator Vogel introduced to the Senate, Joel

Pottinger, Joyce Mace, John Farrell, Erv Toenjef and Bill Atterberry, Osage Beach.

Senator Stoll introduced to the Senate, former State Senator Margaret Rennau, Jackson County; and Dutch Newman, Lee's Summit.

On motion of Senator Gibbons, the Senate adjourned until 9:45 a.m., Thursday, September 11, 2003.

Journal of the Senate

FIRST REGULAR SESSION

SECOND EXTRA SESSION

FOURTH DAY--THURSDAY, SEPTEMBER 11, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 9, regarding Mr. and Mrs. Daniel Joseph Nacke, which was adopted.

Senator Dougherty offered Senate Resolution No. 10, regarding Anna Peterson Crosslin, St. Louis, which was adopted.

Senator Mathewson offered Senate Resolution No. 11, regarding William H. Moore, Jefferson City, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 12:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

The Reverend Carl Gauck offered the following prayer:

"For Mordecai the Jew was...popular with his many kindred, for he sought the good of his people and interceded for the welfare of all his descendants." (Esther 10:3)

Gracious God, we thank You for Mordecai's example, a man who loved his people and risked his life for them. Help us to have such passion and love for our people that our decisions will do what is right and necessary to work for the general welfare of our state and our people. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 11, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on September 8, 2003 for your advice and consent:

Joseph L. Adams, 924 Wild Cherry Lane, University City, St. Louis County, Missouri 63130, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Gilbert G. Adkins, Jr., Democrat, 203 Bluebird Lane, Lebanon, Laclede County, Missouri 65536, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Judith Wall Baker, 3075 South Rangeline Road, Columbia, Boone County, Missouri 65201, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Judith K. Barker, 309 Vida Avenue, St. Louis, St. Louis County, Missouri 63125, as a member of the Board of Certification of Interpreters, for a term ending July 2, 2006, and until her successor is duly appointed and qualified; vice, Ula Williams, term expired.

David W. Barrow, 12704 East 51st Street, Independence, Jackson County, Missouri 64055, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2004, and until his successor is duly appointed and qualified; vice, Ian Davis, term expired.

James E. Berry, Republican, 500 State Highway Y, Forsyth, Taney County, Missouri 65653, as a member of the State Board of Health, for a term ending July 23, 2007, and until his successor is duly appointed and qualified; vice, Harold Bengsch, term expired.

Courtney Gohn Beykirch, Republican, 1043 Country Club Drive, West Plains, Howell County, Missouri 65775, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Mari Ann Bihr, 1004 Prospect Street, Columbia, Boone County, Missouri 65203, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

George V. Boyle, 706 Wildwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Rusty A. Brown, Democrat, 16521 East 35th Court, Independence, Jackson County, Missouri 64055, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2004, and until his successor is duly appointed and qualified; vice, Warren C. Davis, resigned.

William J. Carr, Democrat, 17657 Lasiandra Drive, Wildwood, St. Louis County, Missouri 63005, as Chairman of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 4, 2005, and until his successor is duly appointed and qualified; vice, Steve Roling, resigned.

Marie E. Carter, Republican, 20 Creekwood Lane, St. Louis, St. Louis County, Missouri 63124, as a member of the State Committee of Dietitians, for a term ending June 11, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Michelle Y. Cebulko, 4902 Corinth Drive, St. Joseph, Buchanan County, Missouri 64506, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, Carol Pastoret, resigned.

James B. Chappell, Republican, 15 Northwest 44th Street, Kansas City, Clay County, Missouri 64116, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

H. Fred Christman, D.D.S., 2705 Surfside Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Dental Board, for a term ending October 16, 2008, and until his successor is duly appointed and qualified; vice, Rodney Beard, term expired.

Melinda Christianson, 613 Northeast St. Andrew's Circle, Lee's Summit, Jackson County, Missouri 64064, as a member of the Advisory Council for Professional Physical Therapists, for a term ending October 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Richard A. Clemens, 1939 Wyoming Street, St. Louis City, Missouri 63118, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2006, and until his successor is duly appointed and qualified; vice, Jonathan VanderBrug, term expired.

Kathleen A. Coleton, 2 Southwest Whitlock Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Derek E. Conard, 3001 Southeast Galvin Road, St. Joseph, Buchanan County, Missouri 64504, as a member of the Child Abuse and Neglect Review Board, for a term ending July 30, 2006, and until his successor is duly appointed and qualified; vice, Maria V. Perron, term expired.

Michael David Conner, 10346 North Farm Road 183, Fair Grove, Greene County, Missouri 65648, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Lisa G. Conrad, Democrat, 16261 Route DD, Clarence, Monroe County, Missouri 63437, as a member of the State Board of Senior Services, for a term ending August 30, 2004, and until her successor is duly appointed and qualified; vice, Marie Nowak, deceased.

John Nicholas Constantino, M.D., #18 Arundel Place, St. Louis City, Missouri 63105, as a member of the Mental Health Commission, for a term ending July 23, 2007, and until his successor is duly appointed and qualified; vice, David Ohlms, resigned.

Milamari A. Cunningham, M.D., Republican, 8202 South Bennett Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Angela H. da Silva, Democrat, 2664 California Avenue, St. Louis City, Missouri 63118, as a member of the St. Louis City Board of Election Commissioners, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, Audrey Jones, resigned.

Russell E. Dayton, 507 South Chestnut Street, Cameron, Clinton County, Missouri 64429, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Kevin D. DeSain, 1089 Prince Albert Court, O'Fallon, St. Charles County, Missouri 63366, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending October 3, 2005, and until his successor is duly appointed and qualified; vice, James S. Anderson, resigned.

Laurie B. Donovan, 7 Ipswich Court, Florissant, St. Louis County, Missouri 63033, as a member of the Children's Trust Fund Board, for a term ending July 10, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 210.170.

Emily C. Dunn, 1828 Essman Dunn Road, Bourbon, Crawford County, Missouri 65441, as student representative of the Truman State University Board of Governors, for a term ending June 1, 2005, and until her successor is duly appointed and qualified; vice, Micah McKay, term expired.

Lillian D. Eunice, Democrat, 7753 Nacomis Drive, Normandy, St. Louis County, Missouri 63121, as a member of the State Board of Senior Services, for a term ending August 20, 2007, and until her successor is duly appointed and qualified; vice, Valerie Taylor, term expired.

Barry I. Feinberg, M.D., #3 Somerset Downs, St. Louis, St. Louis County, Missouri 63124, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2006, and until his successor is duly appointed and qualified; vice, Susan Orton, term expired.

Lawrence H. Fick, Republican, 411 Pyrenees Drive, Columbia, Boone County, Missouri 65203, as a member of the Central Missouri State University Board of Governors, for a term ending July 23, 2009, and until his successor is duly appointed and qualified; vice, John Lenox, deceased.

Marianne S. Fournie, 1010 St. Charles, Suite 702, St. Louis, St. Louis County, Missouri 63101, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until her successor is duly appointed and qualified; vice, Renee A. Routledge-Kime, resigned.

Richard H. Frueh, Republican, 10 Beacon Hill Lane, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

William M. Fry, Jr., 8608 East 81st Street, Raytown, Jackson County, Missouri 64138, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Katherine Anne Geppert, Democrat, 5803 Redwing Drive, Columbia, Boone County, Missouri 65202, as a member of the State Milk Board, for a term ending September 28, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Gary S. Gottesman, 504 Bonhomme Forest Drive, Olivette, St. Louis County, Missouri 63132, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending August 20, 2006, and until his successor is duly appointed and qualified; vice, Joyce Mitchell, resigned.

Phillip L. Gould, 102 Lake Forest, St. Louis, St. Louis County, Missouri 63112, as a member of the Seismic Safety Commission, for a term ending August 11, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Naim B. Gray, 8914 Eager Road, Brentwood, St. Louis County, Missouri 63144, as a member of the Children's Trust Fund Board, for a term ending July 23, 2006, and until his successor is duly appointed and qualified; vice, Mildred Jamison, term expired.

Donna R. Haley, 114 North Glenwood Avenue, Columbia, Boone County, Missouri 65203, as a member of the Missouri Head Injury Advisory Council, for a term ending July 30, 2006, and until her successor is duly appointed and qualified; vice, Melinda Elmore, resigned.

Karen K. Hall, 1702 Neihardt Drive, Branson, Taney County, Missouri 65616, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2005, and until her successor is duly appointed and qualified; vice, Pamela Hill, term expired.

Richard A. Hanson, 1307 Dunbar Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Public Employees Deferred Compensation Commission, for a term ending November 20, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Marcia L. Bennett-Hazelrigg, 2817 Lovers Lane, St. Joseph, Buchanan County, Missouri 64506, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2005, and until her successor is duly appointed and qualified; vice, Christopher Gordon, resigned.

Teresa L. Hensley, 805 East Gore, P.O. Box 245, Raymore, Cass County, Missouri 64083, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, Anne Schmidt, resigned.

Richard Ephraim Hillman, M.D., 7900 Cave Creek Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Peter W. Hofherr, 19300 County Road 1000, St. James, Phelps County, Missouri 65559, as Director of the Department of Agriculture, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Lowell Mohler, resigned.

Ryan W. Horsman, Republican, 13370 Prairie Creek Road, Platte City, Platte County, Missouri 64079, as a member of the Missouri Community Service Commission, for a term ending December 15, 2005, and until his successor is duly appointed and qualified; vice, Beth Mayberry, resigned.

Herb R. Johnson, 4504 Sunset Drive, Osage Beach, Camden County, Missouri 65065, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Timothy J. Klotz, 135 Anderson Street, St. Charles, St. Charles County, Missouri 63301, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Ik-Whan G. Kwon, 234 New Salem Drive, St. Louis, St. Louis County, Missouri 63108, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until his successor is duly appointed and qualified; vice, Ik-Whan G. Kwon, withdrawn.

Gretchen C. Lockett, 4466 West Pine Boulevard, #6B, St. Louis City, Missouri 63108, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Stacy A. Mangum, 304 SE Shamrock Lane, Blue Springs, Jackson County, Missouri 64014, as a member of the Drug Utilization Review Board, for a term ending October 15, 2003, and until his successor is duly appointed and qualified; vice, Jennifer Cordes-Rich, resigned.

Herbert W. Martin, Democrat, 606 West Red Bridge Road, Kansas City, Jackson County, Missouri 64114, as a member of the Workers' Compensation Determinations Review Board, for a term ending March 3, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Vicki L. McCarrell, 6879 Highway 135, Pilot Grove, Cooper County, Missouri 65276, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending July 10, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 633.020.

Fred L. McClure, III, 2110 Briargate Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Miguel Meneses, 2615 Madison, Kansas City, Jackson County, Missouri 64108, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, Fred Grayson, term expired.

Lowell Mohler, Republican, 4054 Highway 179, Jefferson City, Cole County, Missouri 65109, as a member of the Conservation Commission, for a term ending July 1, 2009, and until his successor is duly appointed and qualified; vice, Howard Wood, term expired.

Raymond J. Mungenast, 17611 Melrose Road, Wildwood, St. Louis County, Missouri 63038, as a member of the Missouri Head Injury Advisory Council, for a term ending July 23, 2006, and until his successor is duly appointed and qualified; vice, George R. Holske, term expired.

Andrew P. Nahlik, 15637 Century Lake Drive, Chesterfield, St. Louis County, Missouri 63017, as student representative of the Central Missouri State University Board of Governors, for a term ending July 2, 2005, and until his successor is duly appointed and qualified; vice, Jay Wilson, resigned.

H. Bruce Nethington, Republican, 1130 South Geyer Road, Kirkwood, St. Louis County, Missouri 63122-7108, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Anitra L. Nevels, 7324 Parkview Drive, Apt. 4, St. Louis City, Missouri 63109, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Franklin D. Nickell, Democrat, 1627 Scivally Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Mississippi River Parkway Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Diliane Charles Pelikan, 511 Bonhomme Forest, St. Louis, St. Louis County, Missouri 63132, as a member of the Advisory Committee on Lead

Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Roger D. Porter, 3904 Barrington Drive, Columbia, Boone County, Missouri 65203, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Terri L. Powell, Republican, 1961 Marine Terrace, Apt. G, St. Louis, St. Louis County, Missouri 63146, as a member of the State Committee of Dietitians, for a term ending June 11, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Gerald L. Randall, Democrat, 7722 Northeast 51st, Kansas City, Clay County, Missouri 64119, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Linda Brown Reed, #9 Princeton, University City, St. Louis County, Missouri 63130, as a member of the Children's Trust Fund Board, for a term ending August 6, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 210.170.

Tracy Maria Reed, D.P.M., Democrat, 14291 Riverfront Drive, Florissant, St. Louis County, Missouri 63034, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2004, and until her successor is duly appointed and qualified; vice, Laurel Bondi, resigned.

Tracy Maria Reed, D.P.M., 14291 Riverfront Drive, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

David E. Richards, 2664 S. Catalina Avenue, Springfield, Greene County, Missouri 65804, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2004, and until his successor is duly appointed and qualified; vice, Addison Williams, term expired.

Margaret J. Russell, 9425 East 90th Terrace, Kansas City, Jackson County, Missouri 64138, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2009, and until her successor is duly appointed and qualified; vice, Dawn Gaines, term expired.

Orville L. Schaefer, 218 Smith Street, Perryville, Perry County, Missouri 63775, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2006, and until his successor is duly appointed and qualified; vice, Chester Dudley, term expired.

John A. Scherr, 2353 Malibu Drive, St. Charles, St. Charles County, Missouri 63303, as a member of the Missouri Head Injury Advisory Council, for a term ending July 2, 2006, and until his successor is duly appointed and qualified; vice, Lynne Unnerstall, term expired.

Pamela J. Schneeflock, 601 W. Main, Savannah, Andrew County, Missouri 64485, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Jolene M. Schulz, Democrat, 1716 Stirling Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Henry D. Shannon, 11518 Rosary Lane, St. Louis, St. Louis County, Missouri 63138, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until his successor is duly appointed and qualified; vice, James Ritter, resigned.

Loramel P. Shurtleff, Republican, 309 W. Burnam Road, Columbia, Boone County, Missouri 65203, as a member of the Public Defender Commission, for a term ending December 30, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

John W. Siscel, III, Republican, 4804 Marchwood Drive, St. Louis, St. Louis County, Missouri 63128, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2006, and until his successor is duly appointed and qualified; vice, Thomas Thomas, term expired.

Barbara B. Smith, 208 Ellen Street, Sikeston, Scott County, Missouri 63801, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Nancy D. Anderson Tayborn, Democrat, 4339 Randall Place, St. Louis City, Missouri 63107, as a member of the Missouri Minority Business Advocacy Commission, for a term ending September 2, 2006, and until her successor is duly appointed and qualified; vice, Kaven Swan, term expired.

Charles W. Tyler, 4027 Juniata Street, St. Louis City, Missouri 63116, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Lorene A. Van Dam, Republican, 2477 Pioneer Point Road, Galena, Stone County, Missouri 65656, as a member of the State Board of Podiatric

Medicine, for a term ending July 1, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Daniel L. Vornberg, 556 Purdue, University City, St. Louis County, Missouri 63130, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Deleta Parmley Williams, Democrat, 110 East Hale Lake Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Central Missouri State University Board of Governors, for a term ending August 20, 2009, and until her successor is duly appointed and qualified; vice, Robert Russell, term expired.

Quentin C. Wilson, 765 Gabriel Court, Kirkwood, St. Louis County, Missouri 63122, as a member of the Midwestern Higher Education Commission, for a term ending December 29, 2003, and until his successor is duly appointed and qualified; vice, Kala Stroup, resigned.

Kelli A. Wolf, 3004 Twin Pines Avenue, Harrisonville, Cass County, Missouri 64701, as student representative of the Southwest Missouri State University Board of Governors, for a term ending July 2, 2005, and until her successor is duly appointed and qualified; vice, Angela Dorrough, term expired.

Roger D. Young, 801 East 7th Street, Laddonia, Audrain County, Missouri 63352, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Jeannette A. Zinkgraf, 1400 Marlann Drive, St. Louis, St. Louis County, Missouri 63131, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Steven C. Zweig, M.D., 1209 Sunset Drive, Columbia, Boone County, Missouri 65203, as a member of the Commission for the Missouri Senior Rx Program, for a term ending November 8, 2004, and until his successor is duly appointed and qualified; vice, Sam Page, resigned.

Linda Taylor Allen, Ph.D., 3902 Cromwell Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Rodney Anderson, 800 Central Avenue, Monett, Barry County, Missouri 65708, as a member of the Missouri Southern State University - Joplin Board of Regents, for a term ending September 4, 2009, and until his successor is duly appointed and qualified; vice, RSMo. 174.450.

Lisa M. Atkins, 1340 NW 82nd Street, Apt. 5-035, Kansas City, Clay County, Missouri 64118, as a member of the Organ Donation Advisory Committee, for a term ending September 4, 2008, and until her successor is duly appointed and qualified; vice, Barry Freedman, resigned.

Garland G. Barton, Route 3, Box 3973, Alton, Oregon County, Missouri 65606, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2007, and until

his successor is duly appointed and qualified; vice, reappointed to a full term.

Karen D. Ferguson, 12146 Whispering Oaks, Holts Summit, Callaway County, Missouri 65043, as a member of the Personnel Advisory Board, for a term ending July 31, 2006, and until her successor is duly appointed and qualified; vice, Charles Templeton, resigned.

Gary W. Maienschein, 3551 Gettysburg Place, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Lori L. Williamson-Kruse, 1302 Bradford Road, Willow Springs, Texas County, Missouri 65793, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointments be returned to the Governor pursuant to his request, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, Mary Lou Scott, Jefferson City.

Senator Kennedy introduced to the Senate, Terry Nichols, Iron County.

Senator Scott introduced to the Senate his brother, Gilbert Scott, Springfield.

On motion of Senator Gibbons, the Senate adjourned until 10:30 a.m., Friday, September 12, 2003.

Journal of the Senate

FIRST REGULAR SESSION

SECOND EXTRA SESSION

FIFTH DAY--FRIDAY, SEPTEMBER 12, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

RESOLUTIONS

On behalf of Senator Childers, Senator Gibbons offered Senate Resolution No. 12, regarding Matthew Steven "Matt" Wilkes, Seneca, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 13, regarding the Seventy-fifth Wedding Anniversary of Mr. and Mrs. Irvin James Lambeth, Warsaw, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 14, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Duane Jenkins, Blue Springs, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 15, regarding Mr. and Mrs. Bradley Jay Fisher, St. Joseph, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 4**.

Emergency clause adopted.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 4**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 4**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 4**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

On motion of Senator Gibbons, the Senate of the Second Extraordinary Session of the First Regular Session of the 92nd General Assembly adjourned sine die, pursuant to the Constitution.

JOE MAXWELL

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

Journal of the Senate
NINETY-SECOND GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION

VETO SESSION

FIRST DAY--WEDNESDAY, SEPTEMBER 10, 2003

The Senate was called to order in Veto Session by Lieutenant Governor Joe Maxwell.

The Reverend Carl Gauck offered the following prayer:

Gracious God, we are called here, in this time, for a required adversarial session. We would ask that during our discussions You lead us and help us to remain amicable and understanding of each other's position as debate and passions increase. Bless that our final actions reflect Your guidance and that You bless the fruits of our decisions. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Photographers from the Associated Press, KYTV, KTVI, St. Louis and KPLR were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

Absent with leave--Senator Dolan--1

Vacancies--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-Second General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the Ninety-Second General Assembly.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2 entitled:

AN ACT

To repeal sections 285.300, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof thirteen new sections relating to employees, with penalty provisions.

I disapprove of said Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2. My reasons for disapproval are as follows:

Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2's attempt to modify the employment security system in Missouri is inadequate. First and foremost, this bill fails to remedy the insolvency of the employment security system (which ran a shortfall of approximately \$230 million last year). To the contrary, this bill gives advantages to certain special interests at the expense of unemployed workers without making any of the common-sense reforms needed to return the employment security system to solvency. Furthermore, by attempting to enable the state to issue hundreds of millions of dollars in bonds to fund the employment security deficit, the bill, if signed, would actually jeopardize the state's AAA bond rating and facilitate continued employment security deficits. Indeed, this bill is likely to prevent any increase in unemployment benefits before the year 2009.

For all of the above stated reasons for disapproval, I am returning Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 7 entitled:

AN ACT

To authorize the governor to convey land owned by the state in the county of Pettis.

I disapprove of said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 7. My reasons for disapproval are as follows:

House Committee Substitute for Senate Committee Substitute for Senate Bill No. 7 designates the Department of Elementary and Secondary Education as the agency to conduct the sale of property referenced in Section 1, yet the Office of Administration handles land conveyances for the State.

There is an error in the legal description within Section 1 of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 7.

Section 2 of the bill attempts to convey a tract of land acquired by the State pursuant to the National Trails System Act to the Sedalia School District No. 200 for the purpose of erecting a building upon this tract of land. This conveyance may run afoul of the National Trails System Act and may subject the State to subsequent legal claims, and is contrary to public policy regarding the Katy Trail.

Finally, even assuming such a conveyance of a tract of Katy Trail land were to be appropriate, the bill improperly designates the Governor's Office, rather than the Department of Natural Resources, to convey this particular tract of land.

For all of the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Committee Substitute for Senate Bill No. 7.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 29, entitled:

AN ACT

To repeal sections 115.359 and 115.363, RSMo, and to enact in lieu thereof two new sections relating to deadlines for elections.

I disapprove of Senate Committee Substitute for Senate Bill No. 29. My reason for disapproval is as follows:

Senate Bill No. 29 emphatically violates the principal of separation of powers set out in Article II, section 1, of the Missouri Constitution. Since the decision of the U.S. Supreme Court in Marbury v. Madison in 1803, it has been a bedrock legal principle of the republic that "it is emphatically the province and duty of the judicial department to say what the law is." This bill, by attempting to determine for the courts of this state that a section of law cannot be "altered" or "set aside" for any reason, presumably including the reason, should it be so found, that the section is unconstitutional or conflicts with another section of statute, attempts to relieve the courts of this state of their primary duty. Expressions of legislative intent do not violate the Constitution and in some cases may be welcome, but the general assembly is not allowed to do the job of the judicial branch.

For the above-stated reason for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 29 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 69 entitled:

AN ACT

To repeal sections 536.010 and 536.050, RSMo, and to enact in lieu thereof eight new sections relating to small businesses.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 69. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 69 suborns an unconstitutional delegation of power from the Executive Branch to a quasi-legislative body -- the bill's Small Business Regulatory Fairness Board (Board). According to the terms of this bill, the majority of the Board is to be comprised of individuals appointed by the legislature. Regardless, the Board is given extraordinary powers over executive agencies, including, but not limited to, the power to stymie all executive rulemaking authority by subjecting each executive agency to almost 50 public hearings each year. In addition, the Board may require each executive agency, to respond in writing, in a matter of days, to hundreds of Board petitions and complaints each year regarding any rule any such agency has promulgated at any time, including rules in effect before the effective date of this bill. Such a delegation of power is in violation of Article II, Section I of the Missouri Constitution.

The costs for agencies and small businesses to comply with this bill's bureaucratic mandates will be heavy as well. In addition, this bill subjects executive agencies, and ultimately the taxpayers, to costly and duplicative litigation by creating a cause of action -- the ability to file a lawsuit against any agency -- for any business with up to 100 employees regarding any rule, even one which has merely been proposed.

Furthermore, the bill requires executive agencies to provide certain corporate citizens special and unequal treatment by requiring those executive agencies to reconsider any previously-administered fine or penalty for the violation of a state statute, including those imposed against long-term care facilities pursuant to the nursing home bill I recently signed into law.

Finally, contemporaneously with this veto, I am working with small business leaders on an executive order which provides small business the input into the administrative rulemaking process that they deserve, without running afoul of basic constitutional tenets or imposing unreasonable and exorbitant costs and burdens upon the state's agencies and taxpayers.

For the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 69 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 84 entitled:

AN ACT

To repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

I disapprove of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 84. My reasons for disapproval are as follows:

House Committee Substitute for Senate Committee Substitute for Senate Bill No. 84 creates a new, preferential tax system for domestic insurance companies that pay state premium taxes into the County Stock Insurance Fund. The new bill's quarterly payment system for insurance companies will cost the state to reprogram accounting systems and will shift the interest earning potential from the state to the corporate taxpayer, thereby reducing state general revenue. In essence, House Committee Substitute for Senate Committee Substitute for Senate Bill No. 84 creates a tax loophole for domestic insurance companies at the expense of Missouri taxpayers.

In addition, the Commissioner of Administration is directed to apportion funds in the County Stock Insurance Fund to the school district, county government and general revenue based upon the ratio of which the rates of levy for the same year for state purposes, for county purposes, and for all school district purposes, bear to each other. The bill states that when the credits are used, only the general revenue portion of the apportionment will be reduced. Historically, however, all funds from the County Stock Insurance Fund, but for a small distribution to the Blind Pension Fund, have been sent to either the school district or the county government in which the insurance company was domiciled. There has been no apportionment to general revenue from the County Stock Insurance Fund. If there is no general revenue apportionment from the county stock fund,

and therefore no revenue to offset when credits are used, then the increased quarterly use of credits against the taxes paid into the fund will come at the expense of local schools.

For all of the above stated reasons for disapproval, I am returning without my approval House Committee Substitute for Senate Committee Substitute for Senate Bill No. 84.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 203, entitled:

AN ACT

To repeal section 536.077, RSMo, and to enact in lieu thereof one new section relating to administrative subpoenas.

I disapprove of Senate Bill No. 203. My reason for disapproval is as follows:

The language contained in this bill is similar to the language contained in House Bill No. 141, which was also truly agreed and finally passed during the 2003 regular session and which I signed into law on June 9, 2003. The two bills language do not contain *identical* language, however. I have been informed by the revisor of statutes that if both bills are signed into law, formal rules of statutory revision will operate such that the similar language from both bills is merged with the result that the word "agency" is deleted from the amended section of law. The result of that deletion is sometimes to relieve executive agencies of the authority to enforce a subpoena in contested cases, and that was not the intent of either bill. I can effectuate the intent of both bills by signing House Bill No. 141 into law, which I have done, and vetoing this bill on technical grounds.

For the above-stated reason for disapproval, I am returning Senate Bill No. 203 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2003 TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute No. 2 for Senate Bill No. 224, entitled:

AN ACT

To authorize the conveyance of property owned by the state in the County of Callaway to the City of Fulton, with an emergency clause.

I disapprove of Senate Committee Substitute No. 2 for Senate Bill No. 224. My reasons for disapproval are as follows:

The legal description in the bill of the easement to be conveyed is flawed. The correct legal description is included in House Committee Substitute for House Bill No. 93, which was also approved by the General Assembly during the 2003 session and which I signed into law on May 15, 2003.

For all of the above stated reasons for disapproval, I am returning Senate Committee Substitute No. 2 for Senate Bill No. 224 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2003 TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Bill No. 250 entitled:

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to a law enforcement sales tax, with an emergency clause. I disapprove of Senate Bill No. 250. My reasons for disapproval are as follows:

Language in this bill conflicts with language in House Committee Substitute for House Bill No. 97, which was also approved by the General Assembly during the 2003 session. Both bills aim to authorize certain counties to consider approving a sales tax to generate revenue for certain county law enforcement services. This bill, however, fails to restrict the use of those funds to public law enforcement services only.

For all of the above stated reasons for disapproval, I am returning Senate Bill No. 250 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 358, entitled:

AN ACT

To repeal section 115.073, RSMo, and to enact in lieu thereof one new section relating to general expenses of elections paid by certain political subdivisions.

I disapprove of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 358. My reason for disapproval is as follows:

The intent of this bill is clearly to subject only election expenditures to the budgetary approval of the governing body of Platte county. The broad language used in the bill, however, which refers to all "annual general operating expenditures from the general revenue funds" of the county, cities within the county, and Kansas City, appears to allow for budgetary approval of all expenditures, whether related to elections or not. I believe it is best not to introduce such an ambiguity into the statute books.

For the above-stated reason for disapproval, I am returning House Committee Substitute for Senate Committee Substitute for Senate Bill No. 358 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 401 entitled:

AN ACT

To repeal sections 595.010 and 595.045, RSMo, and to enact in lieu thereof two new sections relating to crime victim compensation, with penalty provisions.

I disapprove of said House Committee Substitute for Senate Bill No. 401. My reasons for disapproval are as follows:

It would not be in the best interest of the citizens of this State to modify our current statutes in order to divert an additional \$250,000 away from the state's Crime Victims Compensation Fund. Due to the currently precarious financial condition of the Crime Victims Compensation Fund, any diversion of funds currently intended for that Fund -- regardless of the meritorious nature of the programs to which these funds would be diverted - would be inappropriate and irresponsible.

I would encourage the General Assembly to evaluate the fiscal health of the Crime Victims Compensation Fund, as well as the state forensic crime laboratories, and to consider taking the steps necessary to appropriate sufficient funds for such worthy and essential state programs and services. We have made one such step with the signing of SB 39, this month, which will increase funding for state forensic crime laboratories.

For all of the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 401 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 425 entitled:

AN ACT

To repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to reporting and investigating of death by a coroner.

I disapprove of Senate Bill No. 425. My reasons for disapproval are as follows:

Senate Bill No. 425 makes a good faith attempt, yet fails, to clarify the rules for determining the place of death and designating responsibility for death investigations under Missouri law. For example, if an individual is transported from our sister state Illinois into Missouri and subsequently expires, neither state, according to the language of this bill, would have jurisdiction to investigate that death or to issue a death certificate.

In addition, Senate Bill No. 425 could generate unforeseen and burdensome costs to the counties as it requires small rural counties to both assume the responsibility for death investigations, and to pay for a medical examiner to conduct an autopsy if needed pursuant to an investigation. Currently, these costs are frequently assumed by larger counties in which major trauma centers reside.

Finally, Senate Bill No. 425 is silent, and may likely create complications and delays, regarding organ donor programs.

For all of the above stated reasons for disapproval, I am returning Senate Bill No. 425 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, entitled:

AN ACT

To repeal sections 105.711, 258.100, 307.178, 355.176, 408.040, 430.225, 508.010, 508.040, 508.120, 509.290, 510.263, 512.020, 537.046, 537.067, 538.205, 538.210, and 538.225, RSMo, and to enact in lieu thereof thirty-two new sections relating to tort reform.

I disapprove of Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280. My reasons for disapproval are as follows:

If signed into law, SB 280 would represent a fundamental shift in the manner in which the burdens and procedural decisions regarding litigation are distributed between an injured party and a defendant. While presented as an answer to rising medical malpractice insurance rates, the bill is unlikely to achieve that goal. Instead, the bill would have produced wholesale revisions designed to shift civil procedure burdens from defendants to the injured party. In the end, passage of this bill would make it more difficult for aggrieved parties to seek redress for civil breaches and even simple justice.

While SB 280 appears to give an injured party a choice in the selection of venue, the venue provisions are actually weighted toward providing the defendant increased influence in the selection of venue. SB 280 would ensure that the defendant could control the residency element to ensure a "friendly" venue. The venue provisions in SB 280 would allow a defendant to live and work anywhere in the state and still establish "residence" in counties where they had no business contacts. No informed business would bother to register their agent unless they were to do so in a county perceived as less friendly to litigation than Cole County. Therefore, a company in Jackson County could register an agent in New Madrid County despite having no business contacts there if it found that county to be "friendlier" to defendants.

The change of venue provisions would also put the defendant in a persuasive position to move venue out of the injured party's home county. This influence is created in separate ways: first, the elements to be considered in the convenient forum calculation tilt toward the defendant. There is an onus to move if the defendant is not a resident of the forum. There is also an onus to move if witnesses and evidence are located in a county other than the plaintiff's home. Second, under the system presented by SB 280, the injured party would select venue and then bear the burden of demonstrating why the venue should not be changed if the action is filed in a county where the action did not accrue. As the injured party now becomes the party with the burden of persuasion, the defendant gains an advantage. This revision represents a fundamental shift in Missouri civil litigation. Historically, it has been viewed as the right of the injured party to choose the venue in which to have a claim heard. Defendants then have the ability to make challenges to the site of venue.

I recently signed into law SB 556, the Senior Care & Protection Act, which provides greater protections for seniors residing in long-term care facilities and holds nursing home executives and employees accountable for neglect and abuse. SB 280 would begin to reverse these gains and provide unwarranted legal protections for long-term care providers who negligently injure their residents. SB 280 would prohibit a provider's quality assessment committee records, written proceedings, or documents produced by or through the activities of any state or federal agency from being subject to release by subpoena or other means of compulsion or from being admissible in certain civil, criminal, and administrative proceedings. SB 280 would also prohibit an injured party from compelling persons related to such committees to provide testimony about records and documents or actions taken by the committee.

The provisions of SB 280 that place caps on damages would jeopardize federal Housing and Urban Development (HUD) dollars received by the Missouri Department of Labor and Industrial Relations' Human Rights Commission. The Department received a letter dated March 11, 2003, clearly indicating that any caps on damages in housing complaints would lead to a loss of federal funds from HUD. It appears that Section 510.263 caps punitive damages in tort cases and would likely apply to cases brought under Chapter 213, the Missouri Human Rights Act, as the Missouri Supreme Court has defined causes of action under Chapter 213 as torts. See *State ex rel. Diehl v. O'Malley*, 95 S.W.3d 82 (Mo. 2003). The loss of federal funds from HUD would be approximately \$339,714.

For almost a year, my administration has been taking extraordinary steps to help physicians obtain necessary coverage at the most affordable rates available and we will continue to do so. The Missouri Department of Insurance (MDI) is expediting the licensing of qualified new insurers. Missouri has admitted seven new carriers to write coverage for physicians and surgeons -- an unusual influx of insurers into this market. Today, at least nine companies are accepting applicants for new coverage, up from five in January.

MDI will hold a public hearing July 11 on whether medical malpractice coverage is "reasonably available" to all health-care providers and whether a state-sponsored insurance program is necessary to help resolve Missouri's capacity problem.

MDI is completing an unprecedented financial and market conduct examination of the medical malpractice industry in Missouri that should provide further insights into how our problems developed and how they can be solved.

Finally, much of physicians' consternation about medical malpractice rates involves the crunch they encounter between rising costs and flat or declining income, particularly because they have agreed to steep HMO discounts. Many HMOs and other insurers -- despite those discounts -- still fail to pay on a timely basis. To address this problem, MDI has been implementing a new "prompt pay" law that I signed into law last year. This month, MDI fined the first HMO found to be in violation by more than \$100,000 and other cases await, with pending fines up to more than \$300,000 each. These fines will not only deter those companies from late payments, but also serve as a warning to other insurers and HMOs that the state will act unless they pay physicians promptly as required by Missouri law.

For all of the above-stated reasons for disapproval, I am returning Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Senate Substitute for Senate Bill No. 13, entitled:

AN ACT

To repeal section 21.750, RSMo, relating to rights of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

I disapprove of Senate Substitute for Senate Bill No. 13. My reasons for disapproval are as follows:

There is a court case pending in the City of St. Louis that accuses the gun industry of manufacturing defective guns and of negligence in their distribution. The case is similar to lawsuits brought against the tobacco industry that exposed industry practices to public scrutiny and led to the \$368 billion tobacco settlement. This bill intends to end prematurely the St. Louis court case without a full examination of the issues and before the liability of the gun industry is determined and to preclude similar lawsuits by any subdivision in the future. Both intentions are misguided. It is poor public policy to change the legal landscape while a case is pending in the courts; in the interests of justice the St. Louis City court case must be allowed to proceed so long as the courts determine that the case has merit. It is similarly poor policy to dictate that political subdivisions cannot file a case at any time. The proper forum for determining the merits of causes of action and liability of the gun and ammunition industries is in our state's impartial courts, not the political forum of the legislature.

Perhaps more importantly, although the stated intent of this bill was to affect only litigation filed by political subdivisions, this bill also affects the legal rights of individual citizens of the state. The bill takes away the ability of any citizen to sue the designer, manufacturer, marketer, distributor, or seller of firearms based on a legal theory alleging an abnormally dangerous activity or a public or private nuisance. The effect of this language is to eliminate the existing right of a private citizen to sue a firearm or ammunition manufacturer under a theory of strict liability. Once again, this bill attempts to grant a special favor to the gun and ammunition industries - this time at the expense of the existing rights of private citizens. Causes of action that have not yet been considered in a state court should not be deleted by legislative fiat.

For the above-stated reasons for disapproval, I am returning Senate Substitute for Senate Bill No. 13 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 9, 2003

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, entitled:

AN ACT

To repeal sections 48.020, 48.030, 50.550, 50.740, 56.640, 67.1775, 135.207, 304.010, 473.730, 558.019, and 559.021, RSMo, and section 67.399, RSMo, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 67.399, RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and to enact in lieu thereof twenty-two new sections relating to counties, with penalty provisions.

I disapprove of Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199. My reason for disapproval is as follows:

Article IX, section 7, of the Missouri constitution requires that "All forfeitures and fines collected hereafter for any breach of the penal laws of the state shall be distributed annually to the schools of the several counties according to law." This bill, by attempting to set aside fines

collected for the breach of the penal laws of this state for purposes other than funding public schools, violates the state constitution. Particularly at a time when the funding provided to the free public schools of this state is inadequate, the constitutional provision guarding against the use of such funding for other purposes must be stringently adhered to.

For the above-stated reason for disapproval, I am returning Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199 without my approval.

Respectfully submitted,

Bob Holden

Governor

Senator Gibbons moved that the Senate proceed to the order of business, Vetoed Bills, and that the calendar be called, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Shields assumed the Chair.

Senator Russell moved that **SS No. 2** for **SS** for **SCS** for **SB 2** be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			
Absent--Senators--None			
Absent with leave--Senator Dolan--1			
Vacancies--1			

HCS for **SCS** for **SB 7** was called thereafter and no motion was taken thereon.

SCS for **SB 29** was called thereafter and no motion was taken thereon.

Senator Yeckel moved that **CCS** for **HCS** for **SCS** for **SB 69** be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob

Mathewson	Quick	Stoll	Wheeler--12
	Absent--Senator Kennedy--1		
	Absent with leave--Senator Dolan--1		
	Vacancies--1		

Senator Cauthorn moved that **HCS** for **SCS** for **SB 84** be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			
	Absent--Senators--None		
	Absent with leave--Senator Dolan--1		
	Vacancies--1		

SB 203 was called thereafter and no motion was taken thereon.

SCS No. 2 for **SB 224** was called thereafter and no motion was taken thereon.

SB 250 was called thereafter and no motion was taken thereon.

HCS for **SCS** for **SB 358** was called thereafter and no motion was taken thereon.

HCS for **SB 401** was called thereafter and no motion was taken thereon.

SB 425 was called thereafter and no motion was taken thereon.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-second General Assembly First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2003 Constitutional Veto Session and ready for consideration of business.

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, John Jordan, Cape Girardeau; former State Senator, Sheriff Jim Murphy, St. Louis; and sheriffs and deputies from around the state.

Senator Kinder introduced to the Senate, Jim Gulliford, Fred Schuster and Thomas Lenz, Kansas City.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY-THURSDAY, SEPTEMBER 11, 2003

FORMAL CALENDAR

VETOED BILLS

SS for SS for SCS for SB 280-Scott

SS for SB 13-Kinder

CCS for HS for HCS for

SCS for SB 199-Childers

Journal of the Senate

FIRST REGULAR SESSION

VETO SESSION

SECOND DAY--THURSDAY, SEPTEMBER 11, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Remember my affliction and bitterness, the wormwood and the gall! My soul continually thinks of it and is bowed down within me. But this I call to mind, and therefore I have hope. The steadfast love of the Lord never ceases, his mercies never come to an end; ..." (Lamentations 3:19-22)

Gracious God, we are mindful of this day and those who brought death, pain and grief to our people. We remember that amidst the charred ruins and bitterness we experienced we turned to You and You comforted us and gave us hope. In this hope may we find both individually and as a nation, ways to put an end to the violence, and help us enjoy peace and harmony among all people. And Lord may it begin with us. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KRCG-TV, KSDK-TV, WDAF-TV, KOLR-TV, KOMU-TV, KMIZ-TV and KMOV-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

Senator Gibbons moved that the Senate proceed to the order of business, Vetoed Bills, and that the calendar be called, which motion prevailed.

Senator Scott moved that **SS** for **SS** for **SCS** for **SB 280** be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Vogel	Wheeler
Yeckel--21			
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Steelman	Stoll--12
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--1			

Senator Kinder moved that **SS** for **SB 13** be passed, the objections of the Governor thereto notwithstanding.

At the request of Senator Kinder, the above motion was withdrawn for the purpose of allowing the Senate to recess to participate in 9-11 observance ceremonies.

The President stated that the Senate, upon reconvening would return to the order of business of Vetoed Bills and begin calling the calendar starting with **SS** for **SB 13**.

On motion of Senator Gibbons, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

Senator Gross assumed the Chair.

Senator Kinder moved that **SS** for **SB 13** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
NAYS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Jacob	Kennedy	Mathewson
Quick	Wheeler--10		

Absent--Senators--None
Absent with leave--Senators--None
Vacancies--1

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Substitute for House Substitute for House Committee Substitute for House Bill Nos. 349, 120, 136 & 328, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Substitute for House Substitute for House Committee Substitute for House Bill Nos. 349, 120, 136 & 328.

AYES: 115

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bivins	Black
Bough	Bringer	Brown	Bruns	Byrd
Cooper 120	Cooper 155	Crawford	Crowell	Cunningham 145
Cunningham 86	Davis 122	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Dougherty	Dusenberg	Emery
Engler	Ervin	Goodman	Green	Guest
Hampton	Harris 110	Henke	Hobbs	Holand
Hunter	Icet	Jackson	Jetton	Johnson 47
Kelly 144	Kelly 36	King	Kingery	Kuessner
Lager	Lawson	Lembke	LeVota	Liese
Lipke	Luetkemeyer	Marsh	May	Mayer
McKenna	Miller	Moore	Morris	Munzlinger
Myers	Nieves	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Seigfreid	Selby	Self
Shoemaker	Shoemyer	Smith 118	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Wagner	Wallace	Ward
Wasson	Whorton	Wilson 119	Wilson 130	Witte
Wood	Wright	Yates	Young	Madam Speaker

NOES: 043

Bishop	Bland	Boykins	Brooks	Burnett
Campbell	Carnahan	Corcoran	Curls	Darrough
Daus	Donnelly	El-Amin	Fares	Fraser
Graham	Haywood	Hilgemann	Hoskins	Hubbard
Johnson 61	Johnson 90	Jolly	Jones	Lowe
Meiners	Muckler	Page	Schoemehl	Skaggs
Spreng	Thompson	Villa	Vogt	Walker
Walsh	Walton	Wildberger	Willoughby	Wilson 25
Wilson 42	Yaeger	Zweifel		

PRESENT: 001

Kratky

ABSENT WITH LEAVE: 002

George Harris 23

VACANCIES: 002

Senator Caskey moved that **SS** for **HS** for **HCS** for **HBs 349, 120, 136 and 328** be passed, the objections of the

Governor notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
NAYS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Quick	Wheeler--10		
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--1			

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed House Substitute for House Committee Substitute for House Bill No. 156, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on House Substitute for House Committee Substitute for House Bill No. 156.

AYES: 121				
Angst	Avery	Baker	Barnitz	Bean
Bearden	Behnen	Bivins	Black	Bough
Bringer	Brown	Bruns	Burnett	Byrd
Cooper 120	Cooper 155	Crawford	Crowell	Cunningham 145
Cunningham 86	Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dougherty	Dusenberg
Emery	Engler	Ervin	Goodman	Green
Guest	Hampton	Harris 110	Henke	Hobbs
Holand	Hunter	Ice	Jackson	Jetton
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lawson	Lembke	LeVota
Liese	Lipke	Luetkemeyer	Marsh	May
Mayer	McKenna	Meiners	Miller	Moore
Morris	Muckler	Munzlinger	Myers	Nieves
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Salva
Sander	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Threlkeld	Townley
Viebrock	Villa	Vogt	Wagner	Wallace
Walsh	Ward	Wasson	Wildberger	Wilson 119
Wilson 130	Wood	Wright	Yaeger	Yates

Madam Speaker

NOES: 038

Abel	Bishop	Bland	Boykins	Brooks
Campbell	Carnahan	Corcoran	Curls	Darrough
Donnelly	El-Amin	Fares	Fraser	Graham
Haywood	Hilgemann	Hoskins	Hubbard	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Lowe
Page	Sager	Skaggs	Thompson	Walker
Walton	Whorton	Willoughby	Wilson 25	Wilson 42
Witte	Young	Zweifel		

PRESENT: 000

ABSENT WITH LEAVE: 002

George Harris 23

VACANCIES: 002

Senator Cauthorn moved that **HS** for **HCS** for **HB 156** be passed, the objections of the Governor notwithstanding.

Senator Jacob offered a substitute motion that the bill lay on the table to a date certain twenty-four hours from now.

Senator Shields raised the point of order that the substitute motion made by Senator Jacob is out of order as it is not a true substitute motion.

The point of order was referred to the President Pro Tem.

At the request of Senator Jacob, the substitute motion was withdrawn, rendering the point of order moot.

Senator Jacob moved that the motion made by Senator Cauthorn lay on the table for a twenty-four hour waiting period.

Senator Cauthorn inquired of the President regarding the disposition of the point of order raised by Senator Shields.

Senator Jacob was recognized to speak on his motion.

Senator Shields raised the point of order that Senator Jacob's speaking on the motion is out of order as it is non-debatable.

The point of order was referred to the President Pro Tem.

Senator Jacob raised the point of order that Senator Shields' point of order is out of order as it is not timely, in that a member had previously been recognized to speak on the motion.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Shields, his point of order was withdrawn.

Senator Jacob requested a roll call vote be taken on his motion and was joined in his request by Senators Bray, Coleman, Days and Jacob.

The motion made by Senator Jacob failed of adoption by the following vote:

	YEAS--Senators			
Bland	Bray	Coleman	Days	
Dougherty	Goode	Jacob	Quick	
Wheeler--9				
	NAYS--Senators			
Bartle	Caskey	Cauthorn	Champion	
Childers	Clemens	Dolan	Foster	
Gibbons	Griesheimer	Gross	Kennedy	
Kinder	Klindt	Loudon	Mathewson	
Nodler	Russell	Scott	Shields	

Steelman	Stoll	Vogel	Yeckel--24
	Absent--Senators--None		
	Absent with leave--Senators--None		
	Vacancies--1		

HS for **HCS** for **HB 156** received the necessary two-thirds majority to pass, the objections of the Governor notwithstanding, by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--25			
	NAYS--Senators		
Bland	Bray	Coleman	Days
Goode	Jacob	Quick	Wheeler--8
	Absent--Senators--None		
	Absent with leave--Senators--None		
	Vacancies--1		

Senator Childers moved that **CCS** for **HS** for **HCS** for **SCS** for **SB 199** be passed, the objections of the Governor notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

	YEAS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
	NAYS--Senators		
Bland	Bray	Coleman	Days
Dougherty	Jacob	Kennedy	Quick
Stoll	Wheeler--10		
	Absent--Senator Goode--1		
	Absent with leave--Senators--None		
	Vacancies--1		

RESOLUTIONS

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of

House Committee Substitute for Senate Committee Substitute for Senate Bill No. 7; Senate Committee Substitute for Senate Bill No. 29; Senate Bill No. 203; Senate Committee Substitute No. 2 for Senate Bill No. 224; Senate Bill No. 250; House Committee Substitute for Senate Committee Substitute for Senate Bill No. 358; House Committee Substitute for Senate Bill No. 401; and Senate Bill No. 425 when the bills were so called by the President.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS** for **SCS** for **HS** for **HB 2**, **CCS** for **SCS** for **HS** for **HB 3**, **CCS** for **SCS** for **HS** for **HB 10**, **CCS** for **SCS** for **HS** for **HB 11**, **HB 278**, **HB 375**, **HB 376** and **HCS** for **HB 493** when the bills were called by the Speaker.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, his cousin Mary Ann Neier, and her husband Charlie; and their daughter Shawna Wells and her husband Fred Wells, St. Clair.

On motion of Senator Gibbons, the Senate adjourned until 10:45 a.m., Friday, September 12, 2003.

Journal of the Senate

FIRST REGULAR SESSION

VETO SESSION

THIRD DAY--FRIDAY, SEPTEMBER 12, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Substitute for Senate Bill 13, the objections of the Governor thereto notwithstanding.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Substitute for Senate Bill 13.

AYES: 119

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bivins	Black
Bough	Bringer	Brown	Bruns	Byrd
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dougherty	Dusenberg
Emery	Engler	Ervin	Fares	Goodman
Green	Guest	Hampton	Harris 110	Henke
Hobbs	Holand	Hunter	Ice	Jackson
Jetton	Johnson 47	Kelly 144	Kelly 36	King
Kingery	Kuessner	Lager	Lawson	Lembke
LeVota	Liese	Lipke	Luetkemeyer	May
Mayer	McKenna	Miller	Moore	Morris
Munzlinger	Myers	Nieves	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sager	Salva
Sander	Schaaf	Schlottach	Schneider	Seigfreid
Selby	Self	Shoemaker	Shoemyer	Smith 118
Smith 14	Spreng	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Threlkeld	Townley	Viebrock
Wagner	Wallace	Ward	Wasson	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright	Yates	Young	Madam Speaker	

NOES: 038

Bland	Boykins	Brooks	Burnett	Campbell
Carnahan	Curls	Daus	Donnelly	El-Amin

Fraser	George	Graham	Harris 23	Haywood
Hilgemann	Hoskins	Hubbard	Johnson 90	Jolly
Jones	Kratky	Lowe	Meiners	Muckler
Schoemehl	Skaggs	Thompson	Villa	Vogt
Walker	Walsh	Walton	Willoughby	Wilson 25
Wilson 42	Yaeger	Zweifel		
PRESENT: 000				
ABSENT WITH LEAVE: 004				
Bishop	Darrough	Johnson 61	Marsh	
VACANCIES: 002				

On motion of Senator Gibbons, the Senate of the Veto Session of the First Regular Session of the 92nd General Assembly adjourned sine die, pursuant to the Constitution.

JOE MAXWELL

Lieutenant Governor

TERRY L. SPIELER

Secretary of Senate